

Gibson-Glass, Mary

From: Loomans, Scott
Sent: Wednesday, September 29, 1999 11:34 AM
To: Gibson-Glass, Mary
Subject: Captive Wildlife

Thank you for the quick turn-around on this one. We have a few changes, most of which are pretty minor; except for including the humane officer language.

In talking with DNR and DuWayne, we are quite **concerned** about giving people who are not DNR employees, or at least knowledgeable about wildlife issues, enforcement powers over game farms. We took a hard look at that and decided that most of the humane officer language should be removed, except that we would like to recreate 173.25 (immunity for euthanizing animals) in our bill.

I will be sending a marked-up copy to you today (~~I'm~~ having a few spare copies made right now). We are still looking at a possible hearing on October 13, though we might be able to use the LRB draft since we rarely vote on the same day as the hearing.

Scott Loomans, off ice of Representative DuWayne Johnsrud

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0338/P4dm
MGG:kg:jf

September 17, 1999

1. Regarding renewals of validation licenses: since the time frames in s. 22.32 (15) (a) and (b) were identical, I found both pars. (b) and (c) to be unnecessary. I, therefore, rewrote par. (a) and eliminated pars. (b) and (c). **Also note the creation of s. 22.33 (3) (c).** *see p 45 - there are two different licenses - both need effective dates*

2. Regarding s. 951.09: I changed the language in s. 951.09 (3) mainly to give it parallel construction but I did change "wild game" to "wild animal". OK? Also I received 2 versions of s. 951.09 (3) (d). One used the phrase "farm animal" and the other used just "animal". I used the latter. OK? *okay*

3. Regarding s. 22.36 (8): please review this provision in conjunction with the definition of public zoo and aquarium. Note that under this provision a zoo, regardless of whether it is public, must keep these records **if it** is not a member of the American Zoo and Aquarium Association. *okay*

4. Please review the changes in s. 29.855 (4) of the statutes to ensure that they comply with your intent. *okay*

5. Note that I moved language regarding penalties for violation of DNR orders regarding humane care and housing from s. 22.39 (4) to s. 22.45 (3). Please review to ensure that this complies with your intent. *okay*

6. I have left it as a preliminary draft because the way in which I reconciled the interrelationship between ss. **22.38, 22.39, 22.41** and 22.42 **and** chs. 173 and **951** may well not comply with your intent. Please review what I have drafted to make **sure that** there are no conflicting provisions or gaps and to make sure that it complies **with your** intent. *okay*

7. Note in reviewing s. 173.11 that I have made it inapplicable to wild animals and have not drafted a provision in s. 22.42 that parallels the language found in s. 173.13, (1) (c).

8. As drafted, a humane officer's inspection authority as it relates to captive wild animals is found in s. 173.09. A warden's inspection authority as it relates to captive wild animals is different and is found in s. 22.37. OK?

9. I changed the cross-references in s. 22.45 (7) that deal with revocations. Please review carefully.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Simpler:

Chapter 173 does not apply to animals regulated under 22. Take 173.25 and create similar provision in 22.





PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to repeal 29.024 (2r) (a) 17., 29.024 (2r) (a) 18., 29.024 (2r) (a) 19., 29.024**
2 **(2r) (a) 20., 29.024 (2r) (a) 21., 29.321, 29.563 (9) (intro.) and (a) (title), 29.563**
3 **(9) (a) 2. to 10. and (b), 29.741 (1), 29.745, 29.853 (title), 29.853 (1), 29.853(2),**
4 **29.853 (3), 29.853(4m), 29.853 (5) (title), 29.855 (title), 29.855 (1), 29.855 (2),**
5 **29.855 (3), 29.855 (4) (title), 29.855 (5), 29.855 (6), 29.855 (7), 29.857, 29.861,**
6 **29.863, 29.865, 29.867, 29.869, 29.871, 29.873, 29.877, 29.879 and 29.881; to**
7 **renumber 23.51 (l), 29.563 (9) (a) l., 29.741 (2) and 173.01 (1); to renumber**
8 **and amend 29.334, 29.351, 29.354(2), 29.853(5), 29.855(4), 173.07(1), 173.12**
9 **(l), 951.015 and 951.09; to amend 20.370(1) (mu), 20.370(3) (mu), 23.09 (2)**
10 **(f), 23.50 (l), 23.50 (3), 23.51 (5), 23.65 (1), 25.29 (1) (a), 25.29(4m), 29.024 (1),**
11 **29.024 (2g) (a) 2., 29.042 (l), 29.047 (2) (b), 29.191 (2) (a) 3., 29.314 (5) (b) 3.,**
12 **29.347 (2), 29.347 (6), 29.354 (l), 29.357 (5) (b), 29.361 (6), 29.364 (5), 29.506 (4),**
13 **29.541 (3), 29.614 (3), 29.875 (1), 29.885 (1) (f), 29.889 (1) (intro.), 29.921 (7),**
14 **29.927 (8), 29.931 (2) (a), 29.969, 49.857(1)(d) 2., 59.25 (3) (f) 2., 59.40 (2) (m),**
15 **73.0301 (1) (d) l., 167.31 (4) (b), 173.01 (2), 173.10, 173.12 (lm), 173.12 (3) (a),**

1 173.13 (2) (a) (intro.), 173.13 (2) (a) l., 173.13 (2) (a) 3., 173.13 (2) (b), 173.13 (3)
2 (a), 173.13 (3) (b), 173.13 (3) (c), 173.15 (l), 173.15 (2) (intro.), 173.17 (intro.),
3 173.19, 173.21 (1) (intro.), 173.21 (1) (a), 173.21 (4), 173.22 (1), **173.22 (2)**,
4 173.22 (3) (a) (intro.), 173.22 (3.) (a) l., 173.22 (3) (d), 173.22 (3) (e), 173.23 (1)
5 (intro.), 173.23 (1) (b), 173.23 (lm) (intro.), 173.23 (lm) (a) 4., 173.23 (2), 173.23
6 (3) (a) (intro.), 173.23 (3) (c), 173.23 (3) (e), 173.23 (4), 173.23 (5) (a), 173.23 (5)
7 (b), **173.25**, **814.60** (2) (e), 895.57 (3), 943.75 (3), 951.18 (4) (a) 2., 951.18 (4) (b)
8 1. and 973.05 (1); **to repeal and recreate** 29.741 (title); and **to create** chapter
9 **22**, **23.51** (Id), **23.51** (9m), 23.795 (3), **29.011** (3), 29.192 (6), 29.351 (2), 29.354
10 (2) (b), 29.354 (5), **29.501** (9m), 29.539 (7), 173.01 (lb), 173.01 (Id), **173.01** (1r),
11 **173.11** (5), **173.12** (1) (b), **173.12** (3) (ag), **173.13** (1) (d), **173.13** (2) (a) 4., **173.22**
12 (3) (cm), 173.22 (3) (f), **173.22** (3) (g), 173.22 (3) (h), 173.23 (1) (bn), 173.23 (1m)
13 (a) 2m., 951.01 (lm), 951.015 (2), 951.09 (2) and 951.09 (3) of the statutes;
14 **relating** to: the possession of wild animals, enforcement of certain laws
15 relating to mistreatment of wild animals, granting **rule-making** authority,
16 making appropriations and providing penalties.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

17 SECTION 1. 20.370 (1) (mu) of the statutes is amended to read:

18 **20.370 (1) (mu) *General program operations - state funds.*** The amounts in
19 the schedule for general program operations that do not relate to the management

1 and protection of the state's fishery resources under ss. 23.09 to **23.11, 27.01, 30.203**
2 and 30.277, **subch.** VI of ch. 77 and chs. **22, 26, 28** and 29.

3 **SECTION 2.** 20.370 (3) (mu) of the statutes is amended to read:

4 **20.370 (3) (mu) *General program operations - state funds.*** The amounts in
5 the schedule for law enforcement operations under ss. 23.09 to 23.11 and 166.04 and
6 chs. **22, 29** and 30 and for review of environmental impact requirements under ss.
7 1.11 and 23.40.

8 **SECTION 3.** Chapter 22 of the statutes is created to read:

9 **CHAPTER 22**

10 **CAPTIVE WILDLIFE**

11 **22.01 Definitions.** In this chapter:

12 **(1)** "Animal" means any mammal or any bird, reptile, amphibian, mollusk,
13 arthropod or egg thereof, except that "animal" does not include any mollusk,
14 arthropod or egg thereof regulated under ch. 93 or 94.

15 **(2)** "Captive" means any of the following:

16 **(a)** Restrained by a cage, pen, fence or other enclosure.

17 **(b)** Restrained by physical alterations that limit movement or facilitate
18 capture.

19 **(c)** Restrained by a leash or a tether or otherwise tied.

20 **(d)** Held in a controlled environment that is designed to prevent the departure
21 from the controlled environment.

22 **(3)** "Carcass" means the dead body of any wild animal including the head, hair,
23 skin, plumage, skeleton, meat or any other part thereof.

1 (4) "Circus" means a scheduled event staged by a traveling company with
2 mobile facilities in which entertainment consisting of a variety of performances by
3 acrobats, clowns or trained animals is the primary attraction or principal business.

4 (5) "Conservation warden" means a warden appointed under s. 23.10.

5 (6) "Department" means the department of natural resources.

6 (7) "Domesticated animal" means farm-raised deer, a pet bird that is either a
7 psittacine or a softbill and is not native, is not endangered or threatened and is not
8 a migratory bird on the list in 50 CFR 10.13 that is promulgated under 16 USC 701
9 to 715s or an animal that is all of the following:

10 (a) An animal that, due to a long association with humans, has been bred to a
11 degree that results in changes **affecting** the animal's temperament, color,
12 conformation or other attribute of the species to an extent that it makes the animal
13 unique and distinguishable from a wild **animal** of its species.

14 (b) Listed ~~asa~~ **domesticated** animal by rule by the department.

15 (8) "Dressed fur" has the meaning given in s. **29.501 (1) (a)**.

16 (9) "Endangered or threatened species" means those species of wild **animals**
17 that are indigenous to the United States or Canada and are identified on the **federal**
18 list of endangered and threatened species or on the **Wisconsin** list of endangered and
19 threatened species.

20 (10) "Environmentally injurious wild animal" means a species of wild animal
21 that is not a native wild animal and that is capable of inflicting harm to the
22 environment.

23 (11) "Exhibit" means to display for the purpose of public viewing, regardless
24 of whether a fee is charged.

25 (12) "Farm-raised deer" has the meaning given in **95.001 (1) (a)**.

1 **(13)** “Free-roaming” means not captive.

2 (14) “Fur-bearing wild animal” includes badger, beaver, bobcat, coyote, fisher,
3 red fox, gray fox, lynx, marten, mink, muskrat, opossum, otter, raccoon, skunk,
4 weasel and wolf.

5 (15) “Harm to the environment” includes ‘adversely affecting the natural
6 population dynamics of wild animals or wild plants, adversely affecting the habitat
7 of wild animals or wild plants or displacing wild animals or wild plants from any part
8 of their habitat.

9 (16) “Humane officer” means an officer appointed under s. 173.03.

10 (17) “Inherently dangerous wild animal” means a species of wild animal that
11 is capable of inflicting severe bodily harm to a human.

12 (18) “Introduce” means to release for the purpose of allowing the animal to
13 establish a population in an area in the wild where that type of animal is not
14 naturally present at the time the wild animal is released.

15 (19) “Law enforcement officer” has the meaning given in s. **173.01 (2)**.

16 (20) “License year” means the year during which a license is valid.

17 **(21)** “Municipality” means a city, village or town.

18 **(22)** “**Native**” means indigenous and occurring or having occurred naturally
19 within the boundaries of this state.

20 (23) “Nonnative wild animal” means a wild animal that is not native.

21 (24) “Nonresident” means a person who is not a resident of this state.

22 (25) “Person” means any individual, partnership, firm, joint stock company,
23 corporation, association, trust, estate or other legal entity.

24 (26) “Possess” means to own, control, restrain, transport or keep.

1 (27) "Propagate" means to breed, encourage or facilitate for the purpose of
2 generating offspring.

3 (28) "Public zoo or aquarium" means a zoo or aquarium that is operated by the
4 state or by a city, village or county or that is an accredited member of the American
5 z o o - Association.

6 (29) "Purchase" means to acquire through a sale or through an exchange for
7 consideration.

8 (30) "Raw fur" has the meaning given in s. **29.501 (1) (e)**.

9 (31) "Sell" means to transfer or exchange for consideration.

10 (32) "State resident" has the meaning given "resident" in s. **27.01 (10) (a)**.

11 (33) "Stock" means to release for the purpose of increasing or maintaining a
12 population of the animal.

13 (34) "Take" means to capture, but does not include killing.

14 (35) "Veterinarian" means an individual who is licensed as a veterinarian
15 under ch. 453 or by another state and who is accredited under 9 CFR **subch. J**.

16 (36) "Wild amphibian" means a wild animal that is an amphibian

17 (37) "Wild animal" means any animal of a wild nature that is normally found
18 in the wild and that is not a domesticated animal.

19 (38) "Wild bird" means a wild animal that is a bird.

20 (39) "Wild reptile" means a wild animal that is a reptile.

2 1 22.02. Title to wild animals. (1) **TITLE VESTED IN OWNER**. Except as provided
22 in sub. (3), legal title to a live captive wild animal or the carcass of a captive wild
23 animal is vested in the person who owns the wild animal if the person is in
24 compliance with this chapter and the rules promulgated under this chapter. A
25 person holding legal title may transfer without consideration the live captive wild

1 animal or the carcass of the captive wild animal to a person who is in compliance with
2 this chapter and the rules promulgated under this chapter. A person holding legal
3 title to a live captive wild animal may kill it, or have it killed, in a humane manner.

4 (2) **TITLE WITH STATE.** The department may assume on behalf of the state, or may
5 sell or otherwise transfer to another person, legal title to any live captive wild
6 animal, or the carcass of any captive wild animal, that is possessed by any person in
7 violation of this chapter or the rules promulgated under this chapter.

8 (3) **EXCEPTIONS.** Legal title to a live captive wild animal or the carcass of a
9 captive wild animal that is possessed as authorized under a rehabilitation license or
10 a scientific research license remains with the state. A person holding a rehabilitation
11 license or a scientific research license may transfer or dispose of a live captive wild
12 animal or the carcass of a captive wild animal only as specifically authorized by the
13 department.

14 **22.03 Interagency cooperation.** The department of natural resources shall
15 cooperate with the department of agriculture, trade and consumer protection with
16 respect to any wild animal that is subject to regulation under this chapter and ch.
17 **93, 94** or 95.

18 **22.04 Possession of live wild animals. (1) RESTRICTIONS ON POSSESSION;**
19 **GENERALLY.** (a) No person may possess any live wild animal unless the wild animal
20 is legally obtained.

21 (b) No person may possess any live wild animal unless the person possesses it
22 in compliance with this chapter.

23 (2) **TEMPORARY POSSESSION.** (a) A person possessing a live native wild animal
24 for a period not to exceed 24 hours is exempt from having a license as required under

1 sub. (1) (b) if the person is possessing the wild animal for any of the following
2 purposes:

3 1. To restrain or transport the wild animal for medical treatment by a
4 veterinarian or by a person holding a rehabilitation license.

5 2. To remove or transport the wild animal from one location to a more
6 appropriate location.

7 3. To restrain or transport the wild animal for game censuses or surveys, or
8 other purposes authorized by the department.

9 (b) If a person possessing a live native wild animal under par. (a) determines
10 that it is necessary to possess the wild animal for a period exceeding 24 hours after
11 the time the wild animal was first possessed, the person shall request that the
12 department approve an extension for the temporary possession. The department
13 may either deny the requested extension or approve it for a specific period of time.

14 (c) An establishment licensed under s. 97.42, or for which inspection is granted
15 under 9 CFR part 304, may keep live white-tailed deer for slaughtering purposes for
16 up to 72 hours without holding a deer farm license.

17 (d) If a live wild animal **has** been exposed to or infected with any contagious or
18 infectious disease, as defined under rules promulgated by the department of
19 agriculture, trade and consumer protection under s. 95.001 (2), or a reportable
20 disease, as designated by the department of natural resources under s. 22.44 (2),
21 during the time the wild animal is being temporarily possessed, the person
22 possessing the wild animal shall have a valid interstate health certificate or a valid
23 certificate of veterinary inspection issued by a veterinarian certifying that the wild
24 animal is free of any such diseases before releasing it into the wild.

1 (3) **WILD ANIMALS UNDER ANOTHER JURISDICTION.** A live wild animal possessed
2 by a nonresident under the legal authority of another state, province or country may
3 be possessed by the nonresident in this state for not more than 60 days from the date
4 the wild animal enters the state if the wild animal is accompanied by a valid
5 interstate health certificate or a valid certificate of veterinary inspection issued by
6 a veterinarian and by all of the licenses or other approvals that are required by the
7 other state, province or country.

8 (4) **EXEMPTION FOR CERTAIN WILD ANIMALS** (a) A person is exempt from any
9 licensing requirement under sub. (1) (b) for live native wild animals if the wild
10 animals are not endangered or threatened species and are any of the following:

- 11 1. Arthropods.
- 12 2. Chipmunks.
- 13 3. Pocket gophers.
- 14 4. Mice.
- 15 5. Moles.
- 16 6. Mollusks.
- 17 7. Opossums.
- 18 8. Pigeons.
- 19 9. Porcupines.
- 20 10. Rats.
- 21 11. Shrews.
- 22 12. English sparrows.
- 23 13. Starlings.
- 24 14. Ground squirrels.
- 25 15. Red squirrels.

1 16. Voles.

2 17. Weasels.

3 (b) A person is exempt from any licensing requirement under sub. (1) (b) for live
4 nonnative wild animals that are not endangered or threatened species, except for
5 any of the following:

6 1. Pheasants of the species Phasianus colchicus or Syrmaticus reevesii, **chukar**
7 partridge or gray partridge that are possessed for use under a bird hunting **preserve**
8 license, a dog training license, a hound training license, a dog club training license,
9 a dog trial license or a hound trial license.

10 2. Nonnative wild animals of the family anatidae or of the family cervidae.

11 3. Nonnative wild animals that are inherently dangerous wild animals.

12 (5) **EXEMPTION FOR CERTAIN PERSONS AND INSTITUTIONS.** (a) Anyofthefollowiing
13 is exempt from any licensing requirement under sub. (1) (b):

14 1. Veterinarians, for the purpose of providing medical treatment to wild
15 animals.

16 2. Public zoos or aquariums.

17 3. Circuses and the Circus World Museum located in Baraboo, Wisconsin.

18 4. The department.

19 (b) For purposes of par. (a) 1., "medical treatment" does not include
20 rehabilitation.

21 (6) **INAPPLICABILITY TO CERTAIN WILD ANIMALS.** (a) This section does not authorize
22 the possession of environmentally injurious wild animals.

23 (b) The possession of native wild reptiles and native wild amphibians is subject
24 to s. 22.12 and not to this section.

1 22.05 Taking **of wild** animals. **(1) PROHIBITION.** No person may take any wild
2 animal from the wild except as authorized under a bird hunting preserve license, a
3 wild fur farm license, a falconry license, a rehabilitation license or a scientific
4 research license.

5 **(2) EXEMPTION FOR CERTAIN WILD ANIMALS.** A person is exempt from the
6 requirement under sub. (1) if the wild animal that the person takes from the wild is
7 a native wild animal that is exempt under s. 22.04 **(4)** (a).

8 **(3) EXEMPTION FOR CERTAIN PERSONS AND INSTITUTIONS.** **(a)** Anyofthefollowing
9 is exempt from the licensing requirement under sub. **(1)**:

10 1. Veterinarians, for the purpose of providing medical treatment to wild
11 animals.

12 2. The department.

13 **(b)** For purposes of par. (a) 1., “medical treatment” does not include
14 rehabilitation.

15 **(4) INAPPLICABILITY TO CERTAIN WILD ANIMALS.** (a) This section does not authorize
16 the taking of environmentally injurious wild animals.

17 **(b)** The taking of native wild reptiles and native wild amphibians is subject to
18 s. 22.12 and not to this section.

19 **22.06 Introduction, stocking and release of wild animals.** **(1)**
20 **PROHIBITION; PERSONS OTHER THAN THE DEPARTMENT.** **(a)** No person may introduce,
21 stock or release into the wild, or import into this state to introduce, stock or release
22 into the wild, any wild animal except as authorized under a bird hunting preserve
23 license, a bird dog training license, a hound dog training license, a dog club training
24 license, a bird'dog trial license, a hound dog trial license, a falconry license, a stocking
25 license, a rehabilitation license or a scientific research license.

1 (b) No person may introduce, stock or release into the wild, or import into this
2 state for introducing, stocking or releasing into the wild, any wild animal unless the
3 department has given its authorization under par. (c) and the person has complied
4 with the requirements under par. (d).

5 (c) The department may authorize the introducing, stocking, releasing into the
6 wild or importing of a species of wild animal only if the department has determined
7 that it is not an environmentally injurious wild animal and that it will not be
8 detrimental in any manner to the conservation of the natural resources of this state.

9 (d) Introducing, stocking or releasing a wild animal under this section is subject
10 to all of the following requirements:

11 1. If a wild animal has been exposed to or infected with any contagious or
12 infectious disease, as defined under rules promulgated by the department of
13 agriculture, trade and consumer protection under s. 95.001 (2), or a reportable
14 disease, as designated by the department of natural resources under s. 22.44 (2), the
15 person introducing, stocking or releasing the wild animal shall hold a valid
16 interstate health certificate or a valid certificate of veterinary inspection issued by
17 a veterinarian certifying that the wild animal is free of any such diseases before the
18 introducing, stocking or release.

19 2. A person introducing, stocking or releasing wild birds under the authority
20 of a stocking license, a bird hunting preserve license, a bird dog training license, or
21 a bird dog trial license may only introduce, stock or release wild birds that:

22 a. Have originated, within 365 days before the introducing, stocking or release,
23 from a flock that meets the requirements under subd. 3. and that have had contact
24 with only captive birds that meet these requirements.

1 b. **That, within** 30 days before the introducing, stocking or release, comply with
2 any rules promulgated by the department under s. 22.44 (3).

3 3. Wild birds that are introduced, stocked or released under subd. 2. shall
4 originate from a flock of a person participating in the national poultry improvement
5 plan under 9 CFR part 145.

6 (2) **REPORTS.** At the request of a municipality in an area in which wild animals
7 are introduced, stocked or released under sub. (1), the department shall require a
8 person who introduced, stocked or released those wild animals to report to the
9 municipality the number and type of wild animals introduced, stocked or released
10 and the location at which the animals were introduced, stocked or released.

11 (3) **BY THE DEPARTMENT.** The department may import into this state to
12 introduce, stock or release into the wild, may introduce, stock or release into the wild;
13 or may authorize introducing, stocking or releasing into the wild, a wild animal
14 without holding a license as required under sub. (1) (a).

15 (4) **EXEMPTION.** This section does not apply to wild animals that are released
16 into the wild after being accidentally trapped or confined.

17 **22.07 Exhibition of live wild animals. (1) PROHIBITION.** (a) No person may
18 exhibit any captive live native wild animal or any captive live nonnative wild animal
19 of the family ursidae or cervidae except as authorized under a captive wild animal
20 farm license, a deer farm license, a falconry license; a rehabilitation license, a
21 nonprofit educational exhibiting license, a nonresident temporary exhibiting license
22 or a captive wild animal auction and market license.

23 (b) If a person exhibits a wild animal subject to par. (a) under the authority of
24 a captive wild animal farm license, a deer farm license, a falconry license or a

1 rehabilitation license, the person may exhibit only those types of wild animals that
2 are specified by the department on the license.

3 (2) EXEMPTION FOR CERTAIN WILD ANIMALS. A person is exempt from the
4 requirements under sub. (1) if the wild animal that the person exhibits is a wild
5 animal that is exempt under s. 22.04 (4) (a) or (b).

6 (3) EXEMPTION FOR CERTAIN INSTITUTIONS. Any of the following is exempt from
7 the licensing requirement under sub. (1):

8 (a) Public zoos or aquariums.

9 (b) Circuses and the Circus World Museum located in Baraboo, Wisconsin.

10 (c) The department.

11 (4) INAPPLICABILITY TO CERTAIN WILD ANIMALS. This section does not authorize
12 the exhibiting of environmentally injurious wild animals.

13 **22.08 Propagation of wild animals. (1) PROHIBITION.** No person may
14 propagate any native wild animal or any nonnative wild animal of the family ursidae
15 or cervidae except as authorized under a captive wild animal farm license, a deer
16 farm license, a bird hunting preserve license, a wild fur farm license, a nonprofit
17 educational exhibiting license, a scientific research license or a falconry license.

18 (2) EXEMPTION FOR CERTAIN WILD ANIMALS. A person is exempt from the
19 requirements under sub. (1) if the wild animal that the person propagates is a wild
20 animal that is exempt under s. 22.04 (4) (a) or (b).

21 (3) EXEMPTION FOR CERTAIN INSTITUTIONS. Any of the following is exempt from
22 the licensing requirement under sub. (1):

23 (a) Public zoos or aquariums.

24 (b) Circuses and the Circus World Museum located in Baraboo, Wisconsin.

25 (c) The department.

1 (4) **INAPPLICABILITY TO CERTAIN WILD ANIMALS.** This section does not authorize
2 the propagating of environmentally injurious wild animals.

3 **22.085 Rehabilitation of wild animals.** (1) **PROHIBITION.** No person may
4 rehabilitate any wild animal except as authorized under a rehabilitation license.

5 (2) **INAPPLICABILITY TO CERTAIN WILD ANIMALS.** This section does not authorize
6 the rehabilitation of environmentally injurious wild animals.

7 **22.09 Hunting of captive wild animals.** (1) **PROHIBITION; GENERALLY.** No
8 person may hunt a captive wild animal except as authorized under s. 22.39 (5) and
9' under a deer farm license, a bird hunting preserve license, a bird dog training license,
10 a hound dog training license, a dog club training license, a bird dog trial license or
11 a hound dog trial license.

12 (2) **PROHIBITION; COMMERCIAL HUNTING.** No person may sell or offer to sell or
13 purchase or offer to purchase the opportunity to hunt any wild animal that is or has
14 been captive except as authorized under a deer farm license or a bird hunting
15 preserve license.

16 **22.10 Selling and purchasing of live wild animals.** (1) **SELLING.** Except
17 as authorized under a captive wild animal farm license, a bird hunting preserve
18 license, a deer farm license, a captive wild animal auction and market license, a
19 falconry license, a wild fur farm license or a nonprofit educational exhibiting license,
20 no person may sell or offer to sell any of the following:

21 (a) Any live native wild animal that is not exempt from the licensing
22 requirement under s. 22.04 (4) (a).

23 (b) Any live nonnative wild animal that is not exempt from the licensing
24 requirement under s. 22.04 (4) (b).

1 (2) **PURCHASING.** (a) **Except** as provided under par. (b) and except as authorized
2 under a captive wild animal farm license, a bird hunting preserve license, a deer farm
3 license, a bird dog training license, a hound dog training license, a dog club training
4 license, a bird dog trial license, a hound dog trial license, a falconry license, a
5 nonprofit educational exhibiting license or a stocking license, no 'person may
6 purchase or offer to purchase any of the following:

7 1. Any live native wild animal that is not exempt from the licensing
8 requirement under s. 22.04 (4) (a).

9 2. Any live nonnative wild animal that is not exempt from the licensing
10 requirement under s. 22.04 (4) (b).

11 (b) A nonresident who purchases a live wild animal is exempt from holding a
12 license under this chapter to possess the wild animal **if the** nonresident possesses the
13 wild animal in this state for not more than 10 days after the date of purchase.

14 (3) **AUCTIONS AND MARKETS.** No person may conduct an auction or market to sell
15 live wild animals except as authorized under a captive wild animal auction and
16 market license.

17 (4) **EXEMPTION FOR CERTAIN INSTITUTIONS.** Any of the following is exempt from
18 the requirements under subs. (1) and (2):

19 (a) Public zoos or aquariums.

20 (b) Circuses and the Circus World Museum located in Baraboo, Wisconsin.

21 (c) The department.

22 (5) **INAPPLICABILITY TO CERTAIN WILD ANIMALS.** (a) This section does not authorize
23 the selling or purchasing of environmentally injurious wild animals.

24 (b) The selling and purchasing of native wild reptiles and native **wild**
25 amphibians is subject to s. 22.12 and not to this section.

1 (c) The sale of white-tailed deer is subject to s. 22.13 and not to this section.

2 **22.11 Inherently dangerous and environmentally injurious wild**
3 **animals. (1) INHERENTLY DANGEROUS WILD ANIMALS.** (a) The department shall
4 designate by rule cougars and members of the family ursidae as inherently
5 dangerous wild animals and may designate by rule other types of wild animals to be
6 inherently dangerous wild animals.

7 (2) **ENVIRONMENTALLY INJURIOUS WILD ANIMALS.** (a) The department may
8 designate by rule the species of wild animals that are environmentally injurious wild
9 animals.

10 (b) No person may possess, take, propagate, sell, purchase, transfer, exhibit or
11 rehabilitate a live environmentally injurious wild animal unless specifically
12 authorized to do so by the department.

13 (c) No person may introduce, stock or release, or import into this state to
14 introduce, stock or release, any environmentally injurious wild animal unless
15 specifically authorized to do so by the department.

16 (3) **EXEMPTIONS.** (a) Public zoos and aquariums are exempt from the
17 prohibition under sub. (2) (b).

18 (b) 1. Veterinarians are exempt from the prohibition under sub. (2) (b) for the
19 purpose of providing medical treatment to environmentally injurious wild animals.

20 2. For purposes of subd. 1., "medical treatment" does not include rehabilitation.

21 **22.12 Possession and sale of native wild reptiles and wild amphibians.**
22 **(1) POSSESSION OF MORE THAN 5 PROHIBITED.** No person may take from the wild or
23 possess live native wild reptiles or live native wild amphibians unless the person
24 takes or possesses 5 or fewer of any subspecies or unless sub. (2) or (3) applies.

1 (2) **POSSESSION OF MORE THAN 5 ALLOWED.** (a) 1. A person may take from the wild
2 or possess more than 5 leopard frogs, 5 mud puppies or 5 tiger salamanders if so
3 authorized by the department under a Class A captive wild animal farm license,,

4 2. A person may possess more than 5 bullfrogs if all of the bullfrogs are taken
5 or reared outside the state and **if the** person is so authorized by the department under
6 a Class A captive wild animal farm license.

7 (b) An authorization under par. (a) 1. for a type of wild amphibian may be
8 subject to a quota established by rule by the department that protects from **excessive**
9 taking of the population of that wild amphibian from the wild.

10 (c) 1. For any type of native wild reptile or native wild amphibian, other than
11 a wild amphibian subject to par. (a), a person may take from the wild or possess more
12 than 5 of that type of wild reptile or wild amphibian if permission has been granted
13 to the person by the department.

14 2. A request for permission under subd. 1. shall be in writing and shall include
15 the name of the species, the number of wild reptiles or wild amphibians, the **location**
16 of the proposed taking and the reason for the proposed possession.

17 3. The natural resources board shall create a council under s. 15.04 (1) (c) to
18 review requests for permission under subd. 1. The council shall make
19 recommendations to the department to assist the department in deciding whether
20 it will grant the permission.

21 (3) **POSSESSION OF NATIVE FROGS.** A person using native frogs for bait while
22 fishing may take from the wild, possess and kill more than 5 native frogs, but may
23 not possess more than 5 of any subspecies of native frog for more than 24 hours..

24 (4) **RESTRICTIONS OF SALES.** No person may sell live native wild reptiles or live
25 native wild amphibians except for the following:

1 (a) Color variants of these wild reptiles and wild amphibians that have been
2 bred in captivity and have coloration that is clearly distinct **from** the normal
3 morphological color patterns.

4 (b) Leopardfrogs, mud puppies and tiger salamanders that are sold under the
5 authorization of a Class A captive wild **animal farm** license. .

6 (c) Bullfrogs that are taken or reared outside this state and that are sold under
7 the authorization of a Class A captive wild animal farm license.

8 (5) **EXEMPTION FOR CERTAIN INSTITUTIONS.** Any of the following is exempt from
9 the requirements under this section:

10 (a) Public zoos or aquariums.

11 (b) Circuses and the Circus World Museum located in Baraboo, Wisconsin.

12 (c) The department.

13 (6) **EXEMPTION FOR VETERINARIANS.** (a) Veterinarians are exempt from subs. (1)
14 and (2) for the purpose of providing medical treatment to native wild reptiles and
15 native wild amphibians.

16 (b) For purposes of par. (a), "medical treatment" does not include rehabilitation.

17 (7) **INAPPLICABILITY TO CERTAIN WILD ANIMALS** This section does not authorize
18 the possessing, taking or selling of reptiles or amphibians that are environmentally
19 injurious wild animals.

20 **22.13 Sale and purchase of white-tailed deer for venison. (1)**

21 **REQUIREMENTS FOR LIVE DEER.** (a) No person may sell a live white-tailed deer to be
22 processed for venison meat or products except as authorized under a deer farm
23 license. No person may sell a live white-tailed deer to be processed for venison meat
24 or products without providing a deer farm shipping tag that will accompany the deer.

1 (b) No person may purchase a live white-tailed deer to be processed for venison
2 meat or products unless all of the following apply:

3 1. The person operates an establishment licensed under s. 97.42 or for which
4 inspection is granted under 9 CFR part 304.

5 2. The person holds a white-tailed deer venison sales license.

6 3. The deer originated from a deer farm and has an accompanying deer farm
7 shipping tag attached to its body.

8 (2) **REQUIREMENTS FOR CARCASSES.** No person may sell venison meat or process
9 venison products from captive white-tailed deer unless all of the following apply:

10 (a) The person operates an establishment licensed under s. 97.42 or for **which**
11 inspection is granted under 9 CFR part 304.

12 (b) The person holds a white-tailed deer venison sales license.

13 (c) The white-tailed deer originated from a deer farm.

14 (d) Each individual package of white-tailed deer venison that the person
15 processes and sells contains the license number of the deer farm from which the
16 white-tailed deer originated and the label clearly states that the venison is from a
17 licensed deer farm.

18 (3) **CONSUMER SALES.** No person may sell venison from white-tailed deer to a
19 consumer, or purchase such venison for resale to a consumer, unless the venison is
20 labeled as required under sub. (2) (d) and the venison came from one of the following:

21 (a) An establishment licensed under s. 97.42 or for which inspection is granted
22 under 9 CFR part 304.

23 (b) A meat broker or meat distributor registered under s. 97.42.

1 22.14 Carcasses of captive wild animals. **(1) RESTFUCTIONS ON SALES AND**
2 **PURCHASES.** (a) No person may sell the carcass of any captive wild animal unless the
3 seller provides to the purchaser written proof of origin.

4 (b) No person may purchase or possess the carcass of any captive wild animal
5 unless the purchaser maintains written proof of origin during the time the purchaser
6 possesses the carcass.

7 (c) No person may sell or purchase the carcass, except for the hide, of a bear that
8 was a captive wild animal.

9 (d) No person may preserve and mount a carcass of a captive wild animal for
10 consideration unless that person holds a valid taxidermist permit issued under s.
11 29.506.

12 **(2) TAGGING REQUIREMENTS FOR CAPTIVE WILD ANIMAL FARMS.** (a) A person killing
13 a wild animal under the authority of a captive wild animal farm license shall tag the
14 carcass in the manner required by the department-before removing the carcass from
15 the farm. No person may remove the tag from the carcass except as provided in par.
16 (b).

17 (b) A person acquiring a carcass tagged under par. (a) that is to be consumed
18 for food may remove the tag ~~at the~~ time the carcass is prepared for final consumption.
19 The person shall keep the tag in evidence until the carcass is consumed or otherwise
20 disposed of.

21 (c) For purposes of pars. (a) and (b), for the carcasses of wild reptiles and wild
22 amphibians, a person need not tag each carcass, but shall tag each shipment in the
23 manner required by the department.

24 **(3) INAPPLICABILITY TO CERTAIN CARCASSES.** (a) **Subsections (1) and (2) do not**
25 **apply to the raw fur or dressed fur of fur-bearing wild animals.**

1 (b) Subsection (1) (a) and (b) does not apply to white-tailed deer that is to be
2 processed into venison.

3 (c) The selling, purchasing or possessing of carcasses of endangered or
4 threatened species is subject to s. 29.604 and not to this section.

5 22.15 **Captive wild animal farm licenses. (1) ISSUANCE.** (a) The
6 department shall issue a Class A captive wild animal farm license to operate a
7 captive wild animal farm that grosses \$10,000 or more in annual sales to any
8 qualified person who files a proper application for the license and who pays the
9 applicable fee.

10 (b) The department shall issue a Class B captive wild animal farm license to
11 operate a captive wild animal farm that grosses less than \$10,000 in annual sale;; to
12 any qualified person-who files a proper application for the license and who pays the
13 applicable fee.

14 (c) The department shall issue a Class A captive wild animal farm license to
15 any qualified person who files a proper application for the license and who pays the
16 applicable fee to operate a captive wild animal farm that contains more than 5 of any
17 of the following:

- 18 1. Leopard frogs.
- 19 2. Mud puppies.
- 20 3. Tiger salamanders.
- 21 4. Bullfrogs that are taken or reared outside this state.

22 (d) The applicant shall specify the location of the enclosures for the wild
23 animals on the application.

1 (2) **AUTHORIZATION.** (a) A captive wild animal farm license authorizes the
2 holder of the license to possess, propagate, kill, exhibit, purchase and sell live captive
3 wild animals of the types specified by the department on the license.

4 (b) A captive wild animal farm license authorizes the killing of captive wild
5 animals only by the holder of the license or an employe of the holder of the license.

6 (3) **CALCULATION OF ANNUAL SALES.** (a) The calculation of annual sales under
7 sub. (1) and par. (b) shall be based on sales from the prior year that involve live
8 captive wild animals that are any of the following:

9 1. Native wild animals.

10 2. Nonnative wild animals of the family cervidae.

11 3. Inherently dangerous wild animals.

12 4. Endangered or threatened species.

13 (b) For the first year that a person is issued a captive wild animal farm license,
14 the person shall be issued a Class B captive wild animal farm license, unless one of
15 the following applies:

16 1. The person operated a game bird and animal farm licensed under s. 29.867,
17 1997 stats., or a deer farm licensed under s. 29.871, 1997 stats., on the effective date
18 of this subdivision [revisor inserts date], that grossed \$10,000 or more in annual
19 sales.

20 2. The person elects to be issued a Class A captive wild animal farm license.

21 (4) **CONTROL OF WILD ANIMALS.** (a) A person holding a captive wild animal farm
22 license shall control the wild animals at all times in the manner required by the
23 department and shall keep the wild animals at the locations specified on the
24 application for the license.

1 (b) If any member of the family ursidae, felidae, cervidae or canidae escapes
2 from its enclosure or fenced area on a captive wild animal farm, the person holding
3 the captive wild animal farm license shall notify the department within 24 hours
4 after the escape.

5 (5) RULES. The department may promulgate rules to establish additional
6 standards, limitations and requirements for captive wild animal farm licenses and
7 for captive wild animal farms, including fencing of the farms.

8 **22.16 Deer farm license. (1) ISSUANCE.** The department shall issue a deer
9 farm license to any qualified person who files a proper application for the license and
10 who pays the applicable fee. The applicant shall specify the locations of the
11 enclosures for the deer on the application.

12 (2) AUTHORIZATION. (a) A deer farm license authorizes the holder of the license
13 to do any of the following:

- 14 1. Possess, propagate, purchase, sell and exhibit live captive white-tailed deer.
15 2. Sell or offer to sell the opportunity to hunt live ~~white-tailed~~ deer within the
16 boundaries of the deer farm.

17 (b) A person holding a deer farm license shall provide a deer shipping tag that
18 will accompany each live white-tailed deer that the person sells, to be processed for
19 venison.

20 (3) EXEMPTION FROM HUNTING RESTRICTIONS. A person hunting white-tailed deer
21 on a deer farm is exempt from having any hunting approval issued under ch. 29 and
22 is exempt from any closed season restrictions, bag limits or other conditions or
23 restrictions established by the department under s. 29.014 (1).

1 (4) **CONTROL OF DEER.** (a) A person holding a deer farm license shall control the
2 deer at all times in the manner required by the department and shall keep the deer
3 at the locations specified on the application for the license.

4 (b) If any deer escapes from its enclosure or fenced area on a deer farm, the
5 person holding the deer farm license shall notify the department within 24 hours
6 after the escape.

7 (5) **RULES.** The department may promulgate rules to establish additional
8 standards, limitations and requirements for deer farm licenses and for deer farms,
9 including fencing of the farms.

10 **22.17 White-tailed deer venison sales license. (1) APPLICATION.** The
11 department shall issue a white-tailed deer venison sales license to any qualified
12 person who files a proper application for the license and who pays the applicable fee.

13 (2) **AUTHORIZATION.** (a) A white-tailed deer venison sales license authorizes the
14 holder of the license to sell, purchase and process venison from white-tailed deer that
15 originates from a deer farm.

16 (3) **RULES.** The department may promulgate rules to establish additional
17 standards, limitations and requirements for white-tailed venison sales licenses and
18 for the premises at which venison from white-tailed deer is **processed**.

19 **22.18 Wild fur farm license. (1) ISSUANCE.** The department shall issue a wild
20 fur farm license to any qualified person who files a proper application and who pays
21 the applicable fee.

22 (2) **AUTHORIZATION; LIMITATIONS.** (a) A wild fur farm license authorizes all of the
23 following:

- 24 1. The holder of the license to possess and propagate live muskrat, beaver,
25 raccoon, otter and mink on the land subject to the license.

1 2. **The** holder of the license and other persons authorized by the holder to take
2 the live fur-bearing wild animals specified in subd. 1. or kill by trapping the
3 fur-bearing wild animals specified in subd. 1.

4 3. The holder of the license to sell the live ~~fur-bearing~~ wild animals specified
5 in subd. 1. to persons authorized to possess the fur-bearing wild animals.

6 (b) Section 29.501 shall apply to the possession and selling of the raw furs and
7 dressed furs of the fur-bearing wild animals specified in par. (a) 1.

8 (c) The number of otter that are taken or killed may not exceed the quota
9 established by rule by the department under sub. (5) (a).

10 **(3) ELIGIBLE LAND.** (a) Except as provided in par. (b), a wild fur farm licensed
11 under this section shall be in a single parcel and may not exceed 640 acres.

12 (b) Upon the request of the applicant for a license under this section, the
13 department shall issue a single license for a wild fur farm that does not meet all of
14 the requirements of par. (a) if the wild fur farm is licensed as a fur animal farm under
15 s. 29.869, 1997 stats., on the effective date of **this paragraph ... [revisor inserts date]**.

16 **(4) EXEMPTION FROM TRAPPING RESTRICTIONS.** Except as provided in sub. (2) (c),
17 a person trapping fur-bearing **wild** animals on a wild fur farm is exempt from having
18 any trapping approval issued under ch. 29 and is exempt from any closed season
19 restrictions, bag limits or other conditions or restrictions established by the
20 department under s. 29.014 (1) or **29.192**.

21 **(5) RULES.** (a) The department shall promulgate by rule a quota for taking, or
22 killing by trapping, otter for purposes of this section.

23 (b) The department shall promulgate rules for the purpose of determining
24 whether a piece of land qualifies as a single parcel under sub. (3).

1 (c) The department may promulgate rules to establish additional standards,
2 limitations and requirements for wild fur farm licenses and for wild fur farms.

3 22.19 Bird hunting preserve licenses. (1) **ISSUANCE.** The department shall
4 issue a Class A or a Class B bird hunting preserve license to any qualified person who
5 files a proper application and who pays the applicable fee.

6 (2) **AUTHORIZATION.** (a) A Class A or a Class B bird hunting preserve license
7 authorizes all of the following:

8 1. Possessing, stocking, propagating, releasing into the wild, selling and
9 purchasing of live wild birds of the species authorized under par. (b) by the holder
10 of the license.

11 2. Hunting or taking of released wild birds of those species that have been
12 stocked in the preserve by the holder of the license and other persons authorized by
13 the holder.

14 (b) The department may authorize only one or more of the following species of
15 live wild birds under a Class A or a Class B bird hunting preserve license:

16 1. Pheasants of the species *Phasianus colchicus* or the species *Syrmaticus*
17 *reevesii*.

18 2. Quail that are of the subfamily *Odontophorinae*.

19 3. Gray partridge.

20 4. Chukar partridge.

21 5. Red-legged partridge.

22 6. Mallard ducks that are bred in captivity.

23 7. Wild turkeys, if the wild turkeys are located outside a wild turkey hunting
24 zone established under s. 29.164.

1 (c) The department shall specify on the license the types of wild birds that the
2 department authorizes under the license.

3 (3) **REGULATION OF NUMBER OF BIRDS.** (a) A person holding a bird hunting
4 preserve license may not allow the number of wild birds of a given species in the
5 preserve that are killed or taken in a given year to exceed the number of captive wild
6 birds of that species that have been stocked in the preserve for that license year.

7 (b) A Class A bird hunting preserve license authorizes the person holding the
8 license to possess any number of the species specified in sub. (2) (b) 2. to 7. and
9 requires the person to stock at least 1,001 adult pheasants in the preserve during the
10 license year.

11 (c) A Class B bird hunting preserve license authorizes the person holding the
12 license to possess any number of the species specified in sub. (2) (b) 2. to 7. and
13 prohibits the person from stocking more than 1,000 adult pheasants in the preserve.
14 A holder of a Class B bird hunting preserve license possessing pheasants under the
15 license shall stock a minimum of one adult pheasant per 4 huntable acres that are
16 within the boundaries of the licensed preserve during the license year.

17 . (4) **REQUIREMENTS FOR MALLARD DUCKS** A person possessing mallard ducks
18 under the authority of a bird hunting preserve license may possess only mallard
19 ducks that are bred in captivity and shall identify them as required under 50 CFR
20 21.13 (b). The person shall house the mallard ducks in pens that are covered and
21 maintained to prevent free-roaming wild waterfowl from being attracted to the pens
22 with the mallard ducks that are being bred.

23 (5) **EXEMPTION FROM HUNTING RESTRICTIONS.** (a) A person hunting or taking wild
24 birds on a bird hunting preserve that have been stocked on the preserve is exempt
25 from having any approval issued under ch. 29.

1 (b) Except as provided in par. (c), a person hunting or taking wild birds on a bird
2 hunting preserve that have been stocked on the preserve is exempt from any closed
3 season restrictions, bag limits or other conditions or restrictions established by the
4 department under s. 29.014 (1) or 29.192.

5 (c) A person hunting mallard ducks shall comply with rules promulgated by the
6 department under ss. 29.014 and 29.192 governing the hunting of waterfowl.

7 (6) **RULES.** The department may promulgate rules to establish additional
8 standards, limitations and requirements for bird hunting preserve licenses and for
9 bird hunting preserves.

10 **22.20 Dog training licenses. (1) BIRD DOG TRAINING LICENSE.** (a) The
11 department shall issue a bird dog training license to any qualified individual who is
12 at least 12 years of age who files a proper application and who pays the applicable
13 fee.

14 (b) Except as provided in par. (c), a bird dog training license authorizes the
15 holder of the license to purchase, possess, release into the wild and hunt any of the
16 live captive wild birds specified in s. 22.19 (2) (b) 1. to 6. solely for the purposes of
17 training a dog to **retrieve, point**, flush and track game:

18 (c) The department may restrict the possessing, releasing and hunting of a
19 species of wild birds specified in par. (b) by persons holding dog training licenses in
20 zones or areas for which the department has by rule imposed special hunting
21 restrictions for that species.

22 (d) A person training a bird dog in a bird hunting preserve for which the
23 hunting of pheasant, quail, mallard ducks bred in captivity or partridge has been
24 authorized under a bird hunting preserve license is exempt from holding a bird dog

1 training license to possess, release into the wild and hunt live captive wild birds for
2 the purposes of training the dog to retrieve, point, flush and track wild birds.

3 (2) HOUND DOG TRAINING LICENSE. (a) The department shall issue a hound dog
4 training license to any qualified individual who is at least 12 years of age who files
5 a proper application and who pays the applicable fee.

6 (b) A hound dog training license authorizes the holder of the license to
7 purchase, possess, release into the wild and hunt any of the following live captive
8 wild animals for the purpose of teaching hound dogs to track game:

9 1. Live captive rabbit purchased or otherwise acquired from a person holding
10 a captive wild animal farm license.

11 2. Live captive raccoon.

12 3. Live captive bear of the species *Ursus americanus*.

13 (3) DOG CLUB TRAINING LICENSE. (a) The department may issue a dog club
14 training license to an organization that meets the conditions established by the
15 department by rule for dog club training licenses that files a proper application and
16 that pays the applicable fee.

17 (b) A dog club training license authorizes the club or its members to purchase,
18 possess, release into the wild and hunt species of live captive wild animals that are
19 authorized by the department on property owned or leased by the club for the
20 purpose of teaching a bird dog or hound dog to retrieve, point, flush or track game.

21 (4) RULES. The department may promulgate rules to establish additional
22 standards, limitations and requirements for licenses issued under this section. The
23 rules may include standards that provide adequate protection for the wild animals
24 that are authorized under a dog training license.

1 (5) **RESTRICTIONS.** (a) No person may sell wild animals under a license issued
2 under this section, but a person holding a bird dog training license who has been
3 contracted to train a dog may charge for the wild birds used in the training.

4 (b) A license under this section does not authorize organized competitive field
5 events.

6 22.21 **Dog trial licenses. (1) BIRD DOG TRIAL LICENSE.** (a) The department
7 shall issue a bird dog trial license to any qualified person who files a proper
8 application and who pays the applicable fee.

9 (b) A bird dog trial license authorizes the holder of the license to purchase,
10 possess, release into the wild and hunt any live captive wild bird for any organized
11 competitive field event that involves sporting dog breeds and that is sanctioned,
12 licensed or **recognized** by a local, state, regional or national dog organization.

13 (2) **HOUND DOG TRIAL LICENSE.** (a) The department shall issue a hound dog trial
14 license to any person who files a proper application and who pays the applicable fee.

15 (b) A hound dog trial license authorizes the holder of the license to purchase,
16 possess, release into the wild and hunt live captive raccoon, live captive rabbit and
17 live captive bear of the species *Ursus americanus* for any organized competitive field
18 event that involves sporting dog breeds and that is sanctioned, licensed or recognized
19 by a local, state, regional or national dog organization.

20 (3) **RULES.** The department may promulgate rules to establish additional
21 standards, limitations and requirements for licenses issued under this section. The
22 rules may include standards that provide adequate protection for the wild animals
23 that are authorized under a dog trial license.

24 22.22 **Falconry license. (1) ISSUANCE.** (a) The department shall issue a
25 falconry license to any qualified individual who is at least 18 years of age, who has

1 a federal falconry license, who files a proper application and who pays the applicable
2 fee.

3 (b) The department shall issue a youth falconry license to any individual who
4 is a resident of this state, who is at least 14 years of age but less than 18 years of age
5 and who qualifies as a falconry apprentice under 50 CFR 21.29 (e) (1).

6 (2) ~~AUTHORIZATION; POSSESSION.~~ A falconry license authorizes the holder of the
7 license to possess and release raptors for falconry purposes.

8 (3) ~~AUTHORIZATION; EXHIBITING; HUNTING.~~ A falconry license authorizes the
9 holder of the license to do all of the following:

10 (a) Exhibit live captive raptors if specifically authorized to do so. by the
11 department.

12 (b) Hunt small game of the type authorized for hunters holding small game
13 hunting licenses under s. 29.161 by engaging in falconry.

14 (4) ~~AUTHORIZATION; TAKINGS~~ A falconry license authorizes the holder of the
15 license to take raptors from the wild.

16 (5) ~~AUTHORIZATION; OTHER.~~ A falconry license authorizes the person holding the
17 license to do any of the following if the person also has a federal propagation permit
18 issued under 50 CFR 21.30:

19 (a) Propagate and purchase raptors.

20 (b) Sell raptors that are bred in captivity.

21 (6) ~~RULES.~~ The department may promulgate rules to establish all of the
22 following:

23 (a) Additional standards, limitations and requirements for falconry licenses.

24 (b) Bag limits, closed areas and other conditions or restrictions on hunting by
25 engaging in falconry subject to sub. (3) (b).

1 **22.23 Stocking license. (1) ISSUANCE.** The department may issue stocking
2 licenses. If the department issues stocking licenses, it shall issue a stocking license
3 to any qualified person who files a proper application and who pays the applicable
4 fee.

5 **(2) AUTHORIZATION.** A stocking license authorizes the holder of the license to
6 purchase, possess, introduce or stock wild animals.

7 **(3) RULES.** The department may promulgate rules to establish additional
8 standards, limitations and requirements for stocking licenses. The rules may
9 include the species of wild animals that may be introduced or stocked and the
10 locations at which those species of wild animals may be introduced or stocked.

11 **22.24 Rehabilitation license. (1) ISSUANCE.** The department shall issue a
12 rehabilitation license to rehabilitate wild animals to any qualified individual who is
13 at least 18 years of age, who meets the qualifications under rules promulgated under
14 sub. (2) and who files a proper application.

15 **(2) QUALIFICATIONS; RULES.** The department shall promulgate rules to establish
16 the qualifications required to obtain a rehabilitation license, the types of activities
17 authorized by a rehabilitation license and the standards, limitations and
18 requirements for rehabilitation licenses.

19 **22.25 Scientific research license. (1) ISSUANCE.** (a) The department shall
20 issue a scientific research license to any qualified person who is engaged in a study
21 or in research that the department determines will lead to increased, useful scientific
22 knowledge, who files a proper application and who pays the applicable fee.

23 **(b)** The department may also require the person to submit with the license
24 application a copy of any of the following:

- 25 1. The person's study plan or research proposal.

1 2. An approval received by the person under 9 CFR 2.31.

2 (2) **AUTHORIZATION.** A scientific research license authorizes the holder of the
3 license to take from the wild, possess, kill or propagate the types of native wild
4 animals that the department authorizes under the license.

5 (3) **SCOPE OF LICENSE; CONTENTS.** A scientific research license shall contain the
6 holder's name and address, the date of issuance and all of the following conditions
7 or limitations:

8 (a) The specific purposes for which it is issued.

9 (b) The types of wild animals and the number of each type to be studied.

10 (c) The **locations** from where the wild animals will be taken.

11 (d) The locations at which the wild animals will be kept and studied.

12 (e) The periods of time in which the wild animals may be studied.

13 (f) Any other conditions or limitations that the department considers
14 reasonable.

15 (4) **EQUIPMENT.** A scientific research license may authorize the use of net guns,
16 tranquilizer guns and other equipment or supplies for activities related to scientific
17 research or study.

18 (5) **TITLE TO; TRANSFER AND DISPOSAL OF WILD ANIMALS.** (a) A person holding a
19 scientific research license may not transfer any wild animal or its carcass held under
20 the authority of the license unless the purpose of the transfer is to trade the wild
21 animals for other animals for scientific research or classroom demonstrations and
22 the transfer is specifically authorized by the department at the time of the transfer.

23 (b) A person holding a scientific research license shall release or dispose of a
24 live wild animal **possessed** under the authority of the license, or its carcass, **only** in
25 the manner specifically authorized by the department.

1 (6) **RULES.** The department may promulgate rules to establish additional
2 standards, limitations and requirements for scientific research licenses.

3 **22.26 Nonprofit educational exhibiting license. (1) ISSUANCE.** The
4 department shall issue a nonprofit educational exhibiting license to any nature
5 center, aquarium or educational institution if the center, aquarium or institution is
6 a nonstock, nonprofit corporation described under section 501 (c) (3) or (4) of the
7 Internal Revenue Code and exempt from taxation under section 501 (a) of the
8 Internal Revenue Code and if the center, aquarium or institution files a proper
9 application and pays the applicable fee.

10 (2) **AUTHORIZATION.** A nonprofit educational exhibiting license authorizes the
11 person holding the license to do all of the following:

12 (a) Possess and exhibit live wild animals.

13 (b) Purchase and propagate live wild animals subject to sub. (3) (a) for the
14 purpose of exhibiting only.

15 (3) **AUTHORIZATION: RESTRICTION; TRADING.** (a) A person holding a nonprofit
16 educational exhibiting license may purchase or propagate only those types of wild
17 animals that the department specifically authorizes on the license.

18 (b) If a person holding a nonprofit educational exhibiting license determines
19 that the person possesses more live wild animals than are necessary for **exhibiting**
20 purposes, the person may sell the excess wild animals to another person who is not
21 prohibited under this chapter from possessing the wild animals.

22 (4) **RULES.** The department may promulgate rules establishing standards,
23 limitations and requirements for nonprofit educational exhibiting licenses.

24 **22.27 Nonresident temporary exhibiting license. (1) ISSUANCE.** The
25 department shall issue a nonresident temporary exhibiting license to any qualified

1 individual who is a nonresident or to any business organization that is not organized
2 under the laws of this state, who meets the requirement under sub. (2), who files a
3 proper application and who pays the applicable fee.

4 (2) **FEDERAL REQUIREMENT.** An applicant for a nonresident temporary exhibiting
5 license shall hold any license or permit that may be required under 7 USC 2131 to
6 2159 at the time the department issues the applicant the license.

7 (3) **AUTHORIZATION.** A person holding a nonresident temporary exhibiting
8 license may do all of the following:

9 (a) Possess and exhibit live wild animals at locations designated by the
10 department under the license for the production of motion pictures or television
11 programs or as parts of theatrical acts, carnivals or other animal attractions or
12 displays.

13 (b) Move live wild animals in mobile facilities that do not meet the rules for
14 housing under s. 22.39.

15 (4) **RULES.** The department may promulgate rules to establish additional
16 standards, limitations and requirements for nonresident temporary exhibiting
17 licenses.

18 **22.28 Captive wild animal auction and market license.** (1) **ISSUANCE.**
19 The department shall issue a captive wild animal auction and market license to any
20 qualified person who files a proper application and who pays the applicable fee.

21 (2) **AUTHORIZATION; LIMITATION.** (a) A captive wild animal auction and market
22 license authorizes the person holding the license to do all of the following:

- 23 1. Possess live wild animals for an auction or market.
- 24 2. Exhibit live wild animals for an auction or market.

1 3. Conduct auctions and markets to sell live wild animals to persons authorized
2 to possess the wild animals within and outside this state.

3 (b) No person may conduct a private sale of a live wild animal at the same site
4 and on the same date as the site and date of an auction or market conducted under
5 the authority of a captive wild animal **auction and** market license.

6 **(3) CONSIGNMENT SALES.** A person may ship or transport a live wild animal into
7 this state for consignment sale at an auction or market by a person holding a captive
8 wild animal auction and market license if all of the following apply:

9 (a) The person shipping or transporting the wild animal is in compliance with
10 any licensing or other approval requirements of the state, province or country of
11 origin.

12 (b) A copy of any license or other approval required by the state, country or
13 province of origin and a valid interstate health certificate or valid certificate of
14 veterinary inspection issued by a veterinarian accompany the wild animal.

15 **(4) RULES.** The department may promulgate rules that establish **additional**
16 standards, limitations and requirements for captive wild animal auction and market
17 licenses and for captive wild animal auctions and markets.

18 **22.29 Validation licenses. (1) ELIGIBILITY. (a) Initial validation license.** A
19 person who meets all of the following conditions is eligible for an initial validation
20 license:

21 1.. The person has a license or permit under s. 29.863, 1997 stats., s. 29.865,
22 1997 stats., s. 29.867, 1997 stats., s. **29.869, 1997 stats.**, s. 29.871, 1997 stats., or s.
23 **29.877, 1997 stats.**, on the effective date of this subdivision . . . [revisor inserts **date**].

24 2. The licenses available under ss. 22.15 to 22.28 do not permit the continuation
25 of an activity that was allowed under the license or permit under s. 29.863, 1997

1 stats., s. 29.865, 1997 stats., s. 29.867, 1997 stats., s. 29.869, 1997 stats., s. 29.871,
2 1997 stats., or s. 29.877, 1997 stats., on the effective date of this subdivision
3 [revisor inserts date], at the location where the activity is being conducted on the
4 effective date of this subdivision [revisor inserts date].

5 3. The person obtains licenses under this chapter for any activity that was
6 allowed under the license or permit under s. 29.863, 1997 stats., s. 29.865, 1997
7 stats., s. 29.867, 1997 stats., s. 29.869, 1997 stats., s. 29.871 or 29.877, 1997 stats.,
8 on the effective date of this subdivision [revisor inserts date], and for which a
9 license under ss. 22.15 to 22.28 is available.

10 (b) *Subsequent validation license.* A person who meets all of the following
11 conditions is eligible for a subsequent validation license:

12 1. The person had a license or permit under s. 29.863, 1997 stats., s. 29.865,
13 1997 stats., s. 29.867, 1997 stats., s. **29.869, 1997** stats., s. 29.871, 1997 stats., or s.
14 **29.877, 1997** stats., on the effective date of this subdivision [revisor inserts date].

15 2. The person obtained a license under ss. 22.15 to 22.28 for an activity that was
16 allowed under the license or permit under s. 29.863, 1997 stats., s. 29.865, **1997**
17 stats., s. 29.867, 1997 stats., s. 29.869, 1997 stats., 29.871, 1997 stats., or s. 29.377,
18 1997 stats., on the effective date of this subdivision [revisor inserts date].

19 3. The rules applicable to licenses available under ss. 22.15 to 22.28 are
20 modified so as not to permit the continuation of an activity that was allowed under
21 the license or permit under s. 29.863, 1997 stats., s. 29.865, 1997 stats., s. 29.367,
22 1997 stats., s. 29.869, 1997 stats., s. **29.871, 1997** stats., or s. **29.877, 1997** stats., on
23 on the effective date of this subdivision [revisor inserts date], at the location **where**
24 the activity was conducted on the effective date of this subdivision [revisor inserts
25 date].

1 (2) **APPLICATION.** (a) ***Initial validation*** license. An eligible person may apply
2 for an initial validation license no later than December **31, 2001**.

3 (b) ***Subsequent validation license.*** An eligible person may apply for a
4 subsequent license no later than 6 months after the promulgation of rules described
5 under sub. (1) (b) 3.

6 (3) **ISSUANCE.** The department shall issue a single validation license to any
7 eligible person who files a proper application for the license. The validation license
8 shall apply to all activities described under sub. (4) (a). The department shall specify
9 on the validation license the activities that are permitted under the license. The
10 department shall combine a subsequent validation license with an initial validation
11 license that has been previously issued to the same person.

12 (4) **AUTHORIZATION; LIMITATIONS.** (a) Except as provided in pars. (c) and (d) and
13 sub. (5), a validation license authorizes the continuation of all activities that the
14 holder of the validation license is authorized to conduct on the effective date of this
15 paragraph . . . [revisor inserts date], under a license or permit issued under s. 29.863,
16 1997 stats., s. 29.865, **1997 stats., s. 29.867, 1997 stats., s. 29.869, 1997 stats., s.**
17 **29.871, 1997 stats., or s. 29.877, 1997 stats.,** if the holder is actually engaged in those
18 activities on the effective date of this paragraph . . . [revisor inserts date].

19 (b) The authorization under par. (a) applies even though the activity is
20 prohibited or limited under this chapter.

21 (c) This section does not apply to falconry or to the rehabilitation of wild
22 animals.

23 (d) A validation license may not permit the hunting of pheasants in excess of
24 the number of pheasants stocked.

1 (5) **CONDITIONS.** (a) The department shall impose all of the conditions,
2 restrictions and regulations on the validation license that were applicable to the
3 same activity under s. 29.863, 1997 stats., s. 29.865, 1997 stats., s. 29.867, 1997
4 stats., s. 29.869, 1997 stats., s. 29.871, 1997 stats., or s. 29.877, 1997 stats., and under
5 any rules promulgated under those sections that were in effect on the effective date
6 of this paragraph [revisor inserts date].

7 (b) A validation license is subject to ss. 22.09, 22.11, 22.30, 22.33, 22.34, 22.35,
8 22.36, 22.37, 22.38, 22.39, 22.40, 22.41, 22.42, 22.43, 22.44, 22.45 and 22.46.

9 (6) **RENEWAL, TRANSFERABILITY.** (a) The department shall renew or transfer a
10 validation license upon the same conditions as the original validation license.

11 (b) The department shall transfer a validation license, or any portion of a
12 validation license, to any person who does all of the following:

- 13 1. Acquires the land that is subject to the validation license.
- 14 2. Meets the requirements of this section.
- 15 3. Applies to the department for transfer of the validation license, or any
16 portion of the validation license, within 3 months after acquiring the land.

17 (c) If the holder of a validation license fails to renew the license within 45 days
18 after the license's expiration date, the license expires and may not be renewed.

19 (d) If the land subject to a validation license is transferred and the validation
20 license is not transferred as provided in par. (b), the license expires and may not be
21 renewed.

22 (7) **FEE.** The department may not charge a fee for a validation license.

23 22.30 **Endangered and threatened species.** No person may take from the
24 wild, introduce, stock, release into the wild, exhibit, propagate, rehabilitate, hunt,
25 sell, purchase, transfer or engage in any other activity related to a live wild animal

1 that is a threatened or endangered species unless the person is in compliance with
2 this chapter and s. 29.604.

3 **22.31 License and tag fees. (1) FEES.** The following fees shall be paid to the
4 department for the issuance or renewal of licenses:

5 (a) *Captive wild animal farm licenses.* 1. The fee for an initial Class A captive
6 wild animal farm license is \$200 and the fee for an initial Class B captive wild
7 animal farm license is \$50. The department shall waive the fee for an initial license
8 under this subdivision for an individual who is under 14 years of age if the individual
9 is a member of a 4-H club or a sporting club.

10 2. The fee for a renewal of a Class A captive wild animal farm license is \$100,
11 and the fee for a renewal of a Class B captive wild animal farm license is \$25.

12 (b) *Deer farm license.* 1. The fee for an initial deer farm license is \$200.

13 2. The fee for a renewal of a deer farm license is \$100.

14 (c) *White-tailed deer venison sales license.* The fee for the white-tailed deer
15 venison sales license is \$100.

16 (d) *Wild fir farm license.* The fee for a wild fur farm license is \$50.

17 (e) *Bird hunting preserve licenses.* 1. The fee for an initial Class A bird hunting
18 preserve license is \$360, and the fee for an initial Class B bird hunting preserve
19 license is \$200.

20 2. The fee for a renewal of a Class A bird hunting preserve license is \$200, and
21 the fee for a renewal of a Class B bird hunting preserve license is \$100.

22 (f) *Dog training licenses.* 1. The fee for a bird dog training license is \$25.

23 2. The fee for a hound dog training license is \$25.

24 3. The fee for a dog club training license is \$100.

25 (g) *Dog trial licenses.* 1. The fee for a bird dog trial license is \$25.

1 2. The fee for a hound dog trial license is \$25.

2 (h) *Falconry licenses*. 1. The fee for a falconry license issued to a resident of
3 this state under s. 22.22 (1) (a) is \$75.

4 2. The fee for a falconry license issued to a nonresident under s. 22.22 (1) (a)
5 is \$100.

6 3. The fee for a falconry license issued under s. 22.22 (1) (b) is \$25.

7 (i) *Stocking license*. The fee for a stocking license is \$25.

8 (j) *Rehabilitation license*. There is no fee for a rehabilitation license.

9 (k) *Scientific research license*. The fee for a scientific research license is \$25.

10 (L) *Nonprofit educational exhibiting license*. The fee for a nonprofit
11 educational exhibiting license is \$25.

12 (m) *Nonresident temporary exhibiting license*. The fee for a nonresident
13 temporary exhibiting license is \$50.

14 (n) *Captive wild animal auction and market license*. The fee for a captive wild
15 animal auction and market license is \$300.

16 (2) **LATE FEES**. The late fee for the renewal of any license issued under this
17 chapter that is filed after the expiration date of the license is \$20.

18 (3) **APPLICABILITY OF LICENSE; CUMULATIVE FEES**. (a) **Except as provided in par.**
19 (b), a license issued under this section authorizes the applicable activity on only one
20 block of contiguous land.

21 (b) **To** a business or other operation that was licensed for certain activities as
22 one legal entity with one set of records under one license under s. 29.865, 1997 stats.,
23 s. 29.867, 1997 stats., s. 29.869, 1997 stats., s. 29.871, 1997 stats., or s. 29.873, 1997
24 stats., and that were on noncontiguous land, the department shall continue to issue
25 one license under this chapter for that activity to the business or operation if there

1 is one license that authorizes all of those activities. The department shall continue
2 to issue the one license until the person holding that one license ceases to be issued
3 a license for the activity or until the person holding the one license issued ceases to
4 have a controlling interest in that business or operation.

5 (c) .A person applying for 2 or more licenses under this section that are
6 necessary to engage in a single business or other operation shall pay a total fee that
7 equals the fee for the required license with the highest fee that is required, plus 50%
8 of the fee for each additional required license.

9 . (4) **TAGS.** Any tags required by this chapter or rules promulgated under this
10 chapter shall be provided by the department at cost.

11 **22.32 Licenses; effective periods. (1) CAPTIVE WILD ANIMAL FARM LICENSE.**

12 . A captive wild animal farm license is valid from the date of issuance until the
13 following December 31.

14 (2) **DEER FARM LICENSE.** A deer farm license is valid from the date of issuance
15 until the following December 31.

16 (3) **WHITE-TAILED DEER VENISON SALES LICENSE.** A white-tailed deer venison
17 sales license is valid from the date of issuance until the following December 31.

18 (4) **WILD FUR FARM LICENSE.** A wild fur farm license is valid from the date of
19 issuance until the 3rd December 31 following the date of issuance.

20 (5) **BIRD HUNTING PRESERVE LICENSE.** A bird hunting preserve license is valid
21 from the date of issuance until the following May 30.

22 (6) **DOG TRAINING LICENSES.** (a) A bird dog training license is valid from the date
23 of issuance until the 3rd December 31 following the date of issuance.

24 (b) A hound dog training license is valid from the date of issuance until the 3rd
25 December 31 following the date of issuance.

1 (c) A dog club training license is valid from the date of issuance until the 3rd
2 December 31 following the date of issuance.

3 (7) **DOG TRIAL LICENSES.** (a) A bird dog trial license is valid from the date of
4 issuance until the following December 31.

5 (b) A hound dog trial license is valid from the date of issuance until the
6 following December 31.

7 (8) **FALCONRY LICENSE.** (a) A falconry license issued to a resident of this state
8 is valid from the date of issuance until the 3rd December 31 following the date of
9 issuance or until the license holder reaches 18 years of age, whichever is earlier.

10 (b) A falconry license issued to a nonresident is valid from the date of issuance
11 until the following December 31.

12 (9) **STOCKING LICENSE.** A stocking license is valid for the period specified on the
13 license, which may not exceed 30 days.

14 (10) **REHABILITATION LICENSE.** A rehabilitation license is valid for 3 consecutive
15 years from the date of issuance.

16 (11) **SCIENTIFIC RESEARCH LICENSE.** A scientific research license is valid from the
17 date of issuance until the following December 31.

18 (12) **NONPROFIT EDUCATIONAL EXHIBITING LICENSE.** A nonprofit educational
19 exhibiting license is valid from the date of issuance until the following December 31.

20 (13) **NONRESIDENT TEMPORARY EXHIBITING LICENSE.** (a) Except as provided in par.
21 (b), a nonresident temporary exhibiting license is valid for the period specified on the
22 license, which may not exceed 30 days.

23 (b) Upon application, the department may grant extensions of the nonresident
24 temporary exhibiting license beyond 30 days.

1 (14) **CAPTIVE WILD ANIMAL AUCTION AND MARKET LICENSE.** The captive wild animal
2 auction and market license is valid from the date of issuance until the following
3 December 31.

4 (15) **VALIDATION LICENSE.** An initial ^{or subsequent} validation license is valid from the date of
5 issuance until the 5th December 31 after the date of issuance and **may be** renewed
6 for **5-year** periods thereafter.

7 **22.33 Licenses; applications; renewals; terminations. (1) APPLICATION.**

8 The application for a license under this chapter shall be on a form provided by the
9 department or in a format approved by the department, and shall request the
10 information **required** by the department. The department may not issue a license
11 unless the applicant provides the information required.

12 (2) **ELIGIBILITY REQUIREMENTS FOR MINORS.** (a) Each applicant for a license under
13 this chapter who is less than 18 years of age shall have the application signed by a
14 parent or guardian.

15 (b) Except for a captive wild animal farm license, an individual who applies for
16 a license under this chapter shall be at least 14 years of age.

17 (3) **RENEWALS.** (a) Except as provided in par. (b), a person applying to renew
18 a license issued under this chapter shall file an application with the department on
19 or before the expiration date of the license.

20 (b) A person may apply for a renewal of a license issued under this chapter not
21 more than 45 days after the license's expiration date if the application is
22 accompanied by the late fee specified under s. **22.31 (2)**, in addition to the regular
23 license fee.

24 (c) Notwithstanding par. (b) and s. **22.31 (2)**, the department may not charge
25 a late fee for the renewal of a validation license.

1 (d) This subsection does not apply to validation licenses issued under s. 22.29.

2 (4) **INCORRECT INFORMATION.** No person may provide information that the
3 person knows to be incorrect in order to obtain a license issued under this chapter
4 to which the person is not entitled.

5 (5) **EXPIRATION OF LICENSE.** A person holding a license issued under this section
6 that expires or is revoked or suspended shall remove or cause to be removed from the
7 land subject to the license any signs indicating that the land was so licensed within
8 45 days after the expiration, revocation or suspension.

9 (6) **COMPLIANCE.** No person may violate any condition or limitation imposed by
10 the department on a license issued under this chapter.

11 **22.34 Denial and revocation of approvals based on child support**
12 **delinquency.** (1) **SOCIAL SECURITY NUMBERS REQUIRED.** The department shall
13 require an applicant who is an individual to provide his or her social security number
14 as a condition of applying for, or applying to renew, any license issued under this
15 chapter.

16 (2) **DISCLOSURE OF SOCIAL SECURITY NUMBERS.** The department of natural
17 resources may not disclose any social security numbers received under sub. (1) to any
18 person except to the department of workforce development for the sole purpose of
1 9 administering s. 49.22.

20 (3) **DENIAL, OF APPROVALS.** (a) As provided in the memorandum of understanding
21 required under s. 49.857 (2), the department shall deny an application to issue or
22 renew, suspend if already issued or otherwise withhold or restrict an approval
23 specified in sub. (1) if the applicant for or the holder of the approval is delinquent in
24 making court-ordered payments of child or family support, maintenance, birth
25 expenses, medical expenses or other expenses related to the support of a child or

1 former spouse or if the applicant or holder fails to comply with a subpoena or warrant
2 issued by the department of workforce development or a county child support agency
3 under s. 59.53 (5) and relating to paternity or child support proceedings.'

4 (b) As provided in the memorandum of understanding required under s. 49.857
5 (2), the department shall deny an application to issue or renew an approval specified
6 in sub. (1) if the applicant for or the holder of the approval fails to provide his or her
7 social security number as required under sub. (1).

8 **22.35 Denial and revocation of approvals based on tax delinquency. (1)**
9 **SOCIAL SECURITY AND IDENTIFICATION NUMBERS REQUIRED.** The department shall
10 require an applicant who is an individual to provide his or her social security number
11 and an applicant who is not an individual to provide the applicant's federal employer
12 identification number as a condition of applying for, or applying to renew, any of the
13 following approvals:

14 (a) A captive wild animal farm license issued under s. 22.15.

15 (b) A deer farm license issued under s. 22.16.

16 (c) A white-tailed deer venison sales license issued under s. 22.17.

17 (d) A wild fur farm license issued under s. 22.18.

18 (e) A bird hunting preserve license issued under s. 22.19.

19 (f) A dog training license issued under s. 22.20 (1) or (2).

20 (g) A dog trial license issued under s. 22.21.

21 (h) A falconry license issued under s. 22.22.

22 (i) A stocking license issued under s. 22.23.

23 (j) A rehabilitation license issued under s. 22.24.

24 (k) A scientific research license issued under s. 22.25.

25 (L) A captive wild animal auction and market license issued under s. 22.28.

1 (m) A validation license issued under s. 22.29.

2 (2) **DISCLOSURE OF NUMBERS.** The department of natural resources may not
3 disclose any information received under sub. (1) to any person except to the
4 department of revenue for the sole purpose of making certifications required under
5 s. 73.0301.

6 (3) **DENIAL AND REVOCATION.** The department shall deny an application to issue
7 or renew, or shall revoke if already issued, an approval specified in sub. (1) if the
8 applicant for or the holder of the approval fails to provide the information required
9 under sub. (1) or if the department of revenue certifies that the applicant or approval
10 holder is liable for delinquent taxes under s. 73.0301.

11 **22.36 Record-keeping and reporting requirements.. (1) CAPTIVE WILD**
12 **ANIMAL FARM LICENSES, DEER FARM LICENSES, BIRD HUNTING PRESERVE LICENSES, FALCONRY**
13 **LICENSES, NONPROFIT EDUCATIONAL EXHIBITING LICENSES AND CAPTIVE WILD ANIMAL**
14 **AUCTIONAND MARKET LICENSES.** (a) **Records; generally.** Each person holding a captive
15 wild animal farm license, a deer farm license, a bird hunting preserve license, a
16 falconry license, a nonprofit educational exhibiting license or a captive wild animal
17 auction and market license **shall** keep a correct and complete record of all of the
18 following information:

19 1. For each transaction in which live wild animals are purchased, sold,
20 acquired, transferred or consigned:

21 a. The complete name and address and the number of any license issued under
22 this chapter of the person from whom the wild animals were purchased, acquired or
23 consigned or of the person to whom the wild animals were sold, transferred or
24 consigned.

25 b. The date of the transaction and the number and species of the wild animals.

1 2. All **wild** animals belonging to the holder of the license that have died, have
2 been killed or have escaped.

3 **(b) Records; additional requirements; exemptions.** 1. A person holding a bird
4 hunting preserve license is exempt from keeping the records required under par. (a)
5 1. a. for those wild birds that are killed on ~~the~~ **land** subject to the license.

6 2. For the taking of wild reptiles or wild amphibians from the wild, a person
7 required to hold a license for such taking under this chapter shall include in the
8 person's records the date of the taking and the location of the taking.

9 3. A person holding a falconry license **who** takes a **raptor** from the wild in this
10 state shall keep a record of its species, age and sex, if discernible, and information
11 on the taking. The information shall include the date of the taking, the method of
12 the taking and the location of the taking by township and range.

13 **(2) WILD FUR FARM LICENSES.** Each person holding a wild fur farm license shall
14 keep a correct and complete record of the complete name and address and the number
15 of any license issued under this chapter of each person to whom the license holder
16 sells a live **fur-bearing** wild animal.

17 **(3) REHABILITATION LICENSES.** Each person holding a rehabilitation license shall
18 keep a correct and complete record of all of the following **information** for each wild
19 animal:

20 (a) The date that the wild animal in need of rehabilitation is received and the
21 species of the wild animal.

22 (b) The **cond iton** of the wild animal that requires rehabilitation.

23 (c) The disposition of the wild animal, including the date and location of its
24 'release into the wild or its transfer to the department.

25 (d) The cause of death, if known, for a wild animal that dies.

1 (e) Health records as required by the department.

2 (4) **DOG TRAINING AND TRIAL LICENSES.** Each person holding a bird dog training
3 license, a hound dog training license, a dog club training license, a bird dog trial
4 license or a hound dog trial license shall keep a receipt of the purchase of each wild
5 animal purchased under the authority of the license and a correct **and complete**
6 record of any testing for disease on these wild animals that is required under rules
7 promulgated under s. 22.44 (3).

8 (5) **SCIENTIFIC RESEARCH LICENSES.** Each person holding a scientific research
9 license shall keep a correct and complete record of all of the following information for
10 each wild animal:

11 (a) The disposition of the wild animal, including the date and location of its
12 release into the wild or its transfer to the department.

13 (b) The cause of death, if known, for a wild animal that dies.

14 (6) **WHITE-TAILED DEER VENISON SALES LICENSES.** Each person holding a
15 **white-tailed** deer venison sales license shall keep a correct and complete record of
16 all of the following information for each transaction:

17 (a) The complete name, address and number of any license issued under this
18 chapter of the person from whom the venison was acquired.

19 (b) The date of acquisition.

20 (c) The number of pounds of venison acquired.

21 (7) **ADDITIONAL INFORMATION.** The department may impose additional
22 record-keeping requirements on any holders of licenses under this chapter.

23 (8) **ZOOS.** If a zoo or aquarium is not an accredited member of the American Zoo
24 and Aquarium Association, the governing body of the zoo or aquarium shall keep
25 correct and complete records of all transactions involving the movement of wild

1 animals that are native wild animals, nonnative wild animals of the family cervidae,
2 inherently dangerous wild animals, environmentally injurious wild animals or
3 endangered or threatened species. The department shall determine the information
4 to be kept in these records.

5 (9) **RECORDS; TIMING.** (a) A person holding a license subject to this section shall
6 record all of the information required under this section within 7 days after the
7 occurrence of the transaction or activity. A person holding a license subject to this
8 section shall keep these records for 3 years after the last day of the year in which the
9 : record was entered.

10 (b) In addition to the requirements under par. (a), the person holding a license
11 subject to this section shall provide a copy of the record required under this section
12 to the department within 7 days after the transaction or activity if the transaction
13 or activity involved any live wild animal of the family cervidae, canidae, ursidae,
14 mustelidae or felidae, any inherently dangerous wild animal or any environmentally
15 injurious wild animal.

16 (c) In addition to the requirements under par. (a), a nonresident who takes a
17 raptor from the wild in this state shall provide a copy of the record required under
18 sub. (1) (b) 3. to the department within 2 days after the taking.

19 (d) The department may require, by rule, that submission of the records
20 required under this section to the department be a condition for renewal of any
21 license subject to this section.

22 (10) **REPORTS.** (a) Each person holding a license subject to this section shall
23 submit an annual summary report for each license year to the department that
24 contains all of the following information for each species of wild animal possessed by
25 the person holding the license:

1 1. The number of wild animals that the person holding the license possesses
2 on the date of the report.

3 2. The number of wild animals the person holding the license has **purchased**
4 or otherwise acquired during the reporting year.

5 3. The number of wild animals that the person holding the license has sold,
6 released into the wild or otherwise transferred during the reporting year.

7 4. The number of wild animals that have been killed or have escaped or died
8 during the reporting year.

9 (b) The person holding the license shall submit the **annual** report under par.
10 (a) within 30 days after the last day of the license year that the report covers.

11 (11) **REQUIREMENTS AS TO FORM.** The records and reports required under this
12 section shall be in the English language and shall be on forms provided by the
13 department or in a format approved by the department.

14 22.37 Inspections. (1) **DEPARTMENTAL AUTHORITY.** For purposes of enforcing
15 this chapter and the rules promulgated under this chapter with respect to a person
16 who is required to have a license or maintain records under this chapter, a
17 **conservation** warden or representative of the department, upon presenting his or her
18 credentials to that person, may do any of the following:

19 (a) Enter and inspect any land, vehicle, building or other structure where 'Live
20 wild animals are possessed or where carcasses of wild animals are possessed.

21 (b) Inspect any equipment, materials or other activities related to the wild
22 animals.

23 (c) Gain access to and inspect any records required to be kept under s. 22.36.

24 (d) Investigate and inspect any wild animal or any other animal to be
25 introduced, stocked or released into the wild. Inspection under this paragraph may

1 include the removal of reasonable diagnostic samples from wild animals for
2 biological examination.

3 **(2) TIMES FOR INSPECTIONS.** An inspection authorized under sub. (1) or (4) may
4 be conducted during any of the following times:

5 (a) Normal business hours.

6 (b) During the time that the person who possesses wild animals or carcasses
7 of wild animals is conducting business.

8 (c) At any time, if the inspection is necessary for public health, safety or welfare.

9 **(3) PROHIBITING INSPECTIONS.** No person required to have a license issued under
10 this chapter or an operator of a vehicle for such a person, or employe or person acting
11 on behalf of such a person, may prohibit entry as authorized under this section unless
12 a court restrains or enjoins the entry or inspection.

13 **(4) INSPECTIONS OF INTRODUCED OR STOCKED ANIMALS.** Only persons determined
14 by the department to be experienced in wildlife disease may remove diagnostic
15 samples and diagnose diseases under sub. (1) (d).

16 **(5) TAXIDERMISTS.** For an inspection of a taxidermist's place of business, this
17 section does not apply and the department shall conduct the inspection as authorized
18 under s. 29.506 (7).

19 **22.38 Entry requirements; interstate health certificates. (1)**

20 **CONDITIONS.** Except as provided in sub. (4), a person may ship or transport a live wild
21 animal into this state if the person complies with all of the following requirements:

22 (a) The wild animal is accompanied by sufficient documentation to prove that
23 the wild animal was legally obtained and possessed in the state, province or country
24 of its origin.

1 (b) For **wild** animals to be exhibited as authorized under a nonresident
2 temporary exhibiting license, the person holding the license complies with any
3 applicable rules promulgated by the department of agriculture, trade and consumer
4 protection.

5 (2) **OTHER REQUIREMENTS** (a) In addition to the requirements under sub. (1)
6 (a) and (b), **the** department of natural resources or the department of agriculture,
7 trade and consumer protection may require that the wild animal be accompanied by
8 a valid interstate health certificate or a valid certificate of veterinary inspection
9 issued by a veterinarian. The person shipping or transporting the animal shall **file**
10 a copy of the certificate with the chief livestock health official in the state, province
11 or country of origin in accordance with the laws of the **jurisdiction**. The **department**
12 requiring the certificate may also require that the person shipping or transporting
13 the live wild animal file a copy of the certificate with that department.

14 (b) If the department requires a certificate under par. (a) and if the wild animal
1 5 is a wild bird, the department shall accept a certification under the national poultry
16 improvement plan under 9 CFR part 145 in lieu of the certificate.

17 (3) **CERTIFICATES**. Interstate health certificates or **certificates** of veterinary
18 inspection are valid only if they are issued within 30 days before entry into this state
19 and only if all of the following apply:

20 (a) The certificate shows that all of the requirements established under the
21 rules promulgated under s. 22.44 (3) have been meet.

22 (b) The certificate shows the results of any testing for disease that is required
23 under the rules promulgated under s. 22.44 (3).

24 . (4) **EXEMPTIONS FROM STATE ENTRY REQUIREMENTS**. (a) Subsections (1) and (2) do
25 not apply to a person shipping or transporting a live wild animal into this state if **the**

1 wild animal **will** be sent directly to slaughter at an establishment licensed under s.
2 97.42 or for which inspection is granted under 9 CFR part 304 and if the wild animal
3 is accompanied by a bill of lading that contains all of the following information:

4 1. A description of the wild animal.

5 2. A description of any **official** identification on the wild animal, including any
6 ear or back tag, leg band or tattoo.

7 3. The number of the license or other approval of the person shipping or
8 transporting the wild animal, as required by the state, province or country of origin.

9 4. The destination for slaughter.

10 (b) Subsections (1) and (2) do not apply to a person shipping or transporting a
11 live wild animal into this state for medical treatment if the wild animal is sent
12 directly to a veterinarian or to a person holding a rehabilitation license for **medical**
13 treatment.

14 (c) The department may grant an exception from the requirement of having the
15 wild animal accompanied by a valid interstate health certificate or valid certificate
16 of veterinary inspection issued by a veterinarian if any of the following applies:

17 1. Any required testing for disease has been conducted and the results are
18 pending.

19 2. The department authorizes that the required testing for disease be
20 conducted at the point of destination within this state.

21 (d) For an exception under par. (c) that involves testing for a disease that is
22 transmissible to domesticated animals, the department of agriculture, trade and
23 consumer protection shall also authorize the exception.

1 22.39 **Humane care and housing. (1) COMPLIANCE WITH RULES.** No license
2 may be issued under this chapter unless the department determines that the
3 applicant will comply with all of the rules promulgated under subs. (2) and (3).

4 (2) **RULES; GENERAL.** The department shall promulgate and enforce rules for the
5 housing, care, treatment, feeding and **sanitation** of wild animals subject to this
6 chapter to ensure all of the following:

7 (a) That the wild animals receive humane treatment.

8 (b) That the wild animals are held under sanitary conditions.

9 (c) That the wild animals receive adequate housing, care and food.

10 (d) The public is protected from injury by the wild animals.

11 (3) **RULES; HOUSING.** The rules for housing under sub. (2) shall include
12 requirements for the size and location of permanent enclosures **and** of temporary
13 enclosures at locations other than those where the wild animals are permanently
14 housed. The rules regulating the location of enclosures shall include the distance
15 required between 2 enclosures. The rules for housing shall include specifications for
16 enclosures for each type of inherently dangerous wild animal that the **department**
17 designates under s. **22.11 (1)**.

18 (4) **ORDERS.** The department may issue an order requiring any person holding
19 a license under this chapter to comply with the rules promulgated under sub. (2).

20 (5) **FREE-ROAMING WILD ANIMALS** A person holding a captive wild animal farm
21 license or a deer farm license shall make a reasonable effort to drive free-roaming
22 wild animals from land subject to the license that will be enclosed before the land is
23 enclosed. If any whitetailed deer remain in the boundaries of a deer farm fence, the
24 department may authorize the hunting of those deer. A person holding a deer **farm**

1 license shall pay the department \$250 for each white-tailed deer remaining within
2 the boundaries.

3 **22.40 Prohibited activities; trespassing. (1) DISEASED WILD ANIMALS. (a)**

4 No person may sell, lease, transfer, move from one location to another, release or
5 dispose of any wild animal if any of the following applies:

6 1. The wild animal is under a quarantine order and the department issuing the
7 order does not authorize the sale, lease, transfer, move or disposal.

8 2. Testing for disease has been conducted and the results are pending.

9 3. The person knows that the wild animal has been exposed to or has been
10 infected with a contagious or infectious disease as defined under rules promulgated
11 by the department of agriculture, trade and consumer protection under s. **95.001 (2)**,
12 or a reportable disease as designated by the department of natural resources under
13 **s.22.44 (2)**.

14 (b) No person may misrepresent the disease status of any wild animal.

15 (c) No person may fail to present any wild animal for any required testing for
16 disease as required by the department or by the department of agriculture, trade and
17 consumer protection.

18 (d) The prohibition under sub. (1) (a) 3. does not apply if results from testing
19 for the disease show that the wild animal is not likely to transmit the disease.

20 (e) No veterinarian may fail to report a contagious or infectious disease, as
21 defined under rules promulgated by the department of agriculture, trade and
22 consumer protection under s. **95.001 (2)**, or a reportable disease, as designated by the
23 department of natural resources under s. **22.44 (2)**, in a wild animal.

1 **(2) TAMPERING; COMMINGLING.** (a) No person may remove, alter or tamper in any
2 way with any form of **official** identification on a wild animal, including any ear or
3 back tag, leg band or tattoo.

4 (b) No person may cause or permit the commingling of wild animals with
5 domesticated animals, except as authorized by the department.

6 **(3) TAKING OF WILD ANIMALS.** A person who hunts, traps, kills or takes a wild
7 animal subject to this chapter on land subject to a license issued under this chapter
8 without the permission of the license holder or of the holder's employe or agent is
9 liable to the license holder for any damage that the person causes to any wild animal
10 that is subject to this chapter or to any property or land that is subject to the license.

11 **22.41 Quarantines. (1) SUMMARY ACTION.** (a) The department of natural
12 resources or the department of agriculture, trade and consumer protection may
13 summarily issue a quarantine order to control contagious, infectious or
14 communicable diseases, to protect the health of wild animals and domesticated
15 animals in this state and to control the possessing of wild animals in this state.

16 (b) No person may move any wild animal in violation of a quarantine order or
17 fail to comply with the terms and conditions of a quarantine order.

18 **(2) SERVICE OF NOTICE.** No quarantine order is effective until written notice of
19 the order is served upon any person possessing the wild animals and on any person
20 controlling the premises affected by the quarantine order. The department issuing
21 the quarantine order may serve the order in any of the following ways:

22 (a) By personal service.

23 (b) By registered mail.

24 (c) By posting a copy of the order at 2 conspicuous places on the premises
25 affected by the quarantine.

1 (3) **PROOF OF SERVICE.** Service of the quarantine order shall be proved by
2 affidavit, except for service by registered mail. Proof of service shall be filed with the
3 department.

4 (4) **CONTENTS OF ORDER.** The quarantine order shall contain all of the following
5 information:

6 (a) The name and address of the person affected by the quarantine.

7 (b) The identification of all wild animals affected by the quarantine.

8 (c) A description of the premises affected by the quarantine.

9 (d) The reason or justification for the quarantine.

10 (e) All terms and conditions applicable to the quarantine.

11 (f) Notice of the right to request a hearing to review the quarantine.

12 (5) **DURATION OF ORDER.** A quarantine order shall remain in effect until a
13 written notice of release is issued by the department issuing the order or until a
14 decision releasing the order is rendered under sub. (6).

15 (6) **REVIEW OF ORDER.** Any person affected by a quarantine order shall be
16 granted a hearing by the department issuing the order to determine whether the
17 order should remain in effect if the person requests the hearing within 30 days after
18 the date of service of the order. The hearing shall be treated as a contested case if
19 the requirements of s. 227.42 (1) are met.

20 **22.42 Taking custody of captive wild animals. (1) INTAKE OF WILD ANIMALS.**

21 A conservation warden or a humane officer may take into custody a wild animal that
22 is subject to regulation under this chapter on behalf of the department of natural
23 resources if the conservation warden or humane officer has reasonable grounds to
24 believe that the wild animal is one of the following:

c & - i -

25 (a) An abandoned or stray wild animal.

1 (b) An **unwanted** wild animal delivered to the conservation warden or humane
2 officer.

3 (c) A wild animal possessed, taken, introduced, stocked, released, exhibited,
4 propagated, rehabilitated, hunted, sold or purchased in violation of this chapter or
5 any ordinance enacted under s. 22.43.

6 (d) A wild animal that is not confined as required by a quarantine order under
7 s. 22.41 or any rule or ordinance relating to the control of any animal disease.

8 (e) A wild animal that has caused damage to persons or property.

9 (f) A participant in an animal fight intentionally instigated by any person.,

10 (g) A wild animal that has been mistreated in violation of this chapter or ch.
11 951.

12 (h) A wild animal delivered by a veterinarian under s. 173.13 (2).

13 (i) A wild animal that is dead, dying or sick and that has been exposed to, or
14 is known to be infected with, a contagious or infectious disease as defined in the rules
15 promulgated by the department of agriculture, trade and consumer protection under
16 s. 95.001 (2), with a reportable disease as designated by the department of natural
17 resources under s. 22.44 (2), or with a disease or parasite that has pathological
18 significance to humans or to any animals.

19 (j) A wild animal that has escaped and has not been returned to its owner or
20 another person who is authorized to possess the animal.

21 (k) A wild animal that is being housed or held in an inhumane manner.

22 (L) A wild animal that has entered the state in violation of s. 22.38.

23 **(2) TRANSFER OF WILD ANIMALS.** (a) A conservation warden or humane **officer**
24 shall accept into custody any wild animal that is delivered by a law enforcement
25 **officer.**

If 173 approach is changed, delete this. Otherwise, Cons. Warden is the department humane officer taking custody of a wild animal

1 (b) A conservation warden or humane officer taking custody of a wild animal
2 shall deliver the wild animal to the department. The department shall then **comply**
3 with the applicable procedures under ~~ch.~~ 173.

4 **22.43 Local ordinances.** A municipality or county may enact and enforce an
5 ordinance that prohibits the possession or selling of live wild animal ~~s, and that is at~~
6 ~~least as strict as this chapter and any rules promulgated under this chapter.~~ 54

7 **22.44 Rules by the department. (1) DOMESTICATED ANIMALS.** The
8 department shall promulgate rules specifying which animals are domesticated
9 . animals for purposes of s. 22.01 (7) (b).

10 (2) **REPORTABLE DISEASES.** The department may promulgate rules listing
11 reportable diseases for purposes of this chapter.

12 (3) **INTRODUCTION REQUIREMENTS** (a) The department may promulgate rules to
13 establish the following:

14 1. Additional requirements that wild animals shall meet before they enter this
15 state.

16 2. Additional requirements that any animals shall meet before they may
17 introduced, stocked or released into the wild.

18 (b) The requirements under par. (a) may include mandatory testing of the
19 animals for disease.

20 (4) **CERTIFICATES.** The department may promulgate rules that establish the
21 information that is required for issuing, and that shall be provided on, interstate
22 health certificates and certificates of **veterinary** inspection.

23 **22.45 Penalties; revocations. (1) DEFINITION.** In this section, "violation of
24 this chapter" means a violation of this chapter or any rule promulgated under this
25 chapter.

1 (2) **PENALTIES.** For a violation of this chapter, a person shall be subject to a
2 forfeiture of not more than \$200, except as follows:

3 (a) *Possession.* For possessing any live wild animal, or a carcass of a wild
4 animal, in violation of this chapter, a person shall forfeit not less than \$100 nor more
5 than \$500.

6 (b) *Sale or purchase.* For selling or purchasing any live wild animal in violation
7 of this chapter, a person shall be fined not less than \$100 nor more than \$2,000 or
8 imprisoned for not more than 6 months or both.

9 (c) *Possession, sale, release and descenting of live skunks.* For possessing,
10 selling, purchasing, descenting, introducing, stocking or releasing into the wild a live
11 skunk in violation of this chapter, a person shall forfeit not less than \$100 nor more
12 than \$1,000. This penalty shall apply in lieu of the penalties under pars. (a) and (b).

13 (d) *Taking of bear and deer.* For taking bear or deer from the wild in violation
14 of s. 22.05, or a rule promulgate thereunder, a person shall be fined not less than
15 \$1,000 nor more than \$2,000 or imprisoned for not more than 6 months or both.

16 (e) *Diseased and environmentally injurious wild animals.* For a violation of s.
17 **22.11 (2) (b) or (c) or 22.40 (1)** or a quarantine order issued under s. 22.41, a person
18 shall be fined not less than ~~\$500 nor more than \$5,000~~ or imprisoned for not more
19 than 6 months or both.

20 (f) *Selling or purchasing venison from white-tailed deer.* For violation of s.
21 22.13 (1) or (2) or rules promulgated thereunder, a person shall be fined not less than
22 \$1,000 nor more than \$2,000 or imprisoned for not more than 6 months or both.

23 (g) *Obtaining license during period of revocation.* For obtaining any license
24 under this chapter during the period of time when that license is revoked. or

1 suspended by any court, a person shall be fined not more than \$200 or imprisoned
2 for not more than 90 days or both.

3 (3) **PENALTY; VIOLATION OF ORDER.** Any person who fails to comply with an order
4 issued under s. 22.39 (4) within 10 days after its issuance is subject to a forfeiture
5 of not more than **\$200**.

6 (4) **DIMINISHED PENALTIES.** No penalty imposed under sub. (2) shall be held to
7 be diminished because the violation for which it is imposed falls also within the scope
8 of a more general prohibition.

9 (5) **PENALTIES; REPEATERS.** If a person is convicted of any violation of this chapter
10 and it is alleged in the indictment, information or complaint, and proved or admitted
11 on trial or ascertained by the court after conviction that the person was previously
12 convicted within a period of 5 years for a violation of this chapter, the person shall
13 be subject to all of the following in addition to the penalty for the current violation:

14 (a) The person shall be fined not more than \$100 or imprisoned for not more
15 than 6 months or both.

16 (b) For violations under sub. (2) (a), (b), (d) and (e), the court shall revoke all
17 of the licenses issued to the person under this chapter, and the department may not
18 issue any license under this chapter to the person for a period of one year after the
19 current conviction.

20 (6) **COURT REVOCATIONS AND SUSPENSIONS.** In addition to or in lieu of any **other**
21 penalty for violation of this chapter, the court may revoke or suspend any privilege
22 or license under this chapter for a period of up to 3 years.

23 (7) **REVOCATIONS BY THE DEPARTMENT.** In addition to revocations under subs. (5)
24 (b) and (6), the department may revoke any license to which any of the following
25 applies:

1 (a) The department determines that the license was fraudulently procured,
2 erroneously issued or otherwise prohibited by law.

3 (b) The department determines that the person holding the license is not in
4 compliance with this chapter or with a rule promulgated under this chapter.

5 **(8) PROHIBITIONS DURING PERIODS OF SUSPENSION OR REVOCATION.** (a) Any person
6 who has had an approval or privilege under this chapter revoked or suspended and
7 who engages in the activity authorized by the approval or in the privilege during the
8 period of revocation or suspension is subject to the following penalties, in addition
9 to any other penalty imposed for failure to have an approval:

10 1. For the first conviction, the person shall forfeit not less than \$300 nor more
11 than \$500.

12 2. If the number of convictions in a **5-year** period equals 2 or more, the person
13 shall be fined not less than \$500 nor more than \$1,000.

14 (b) The **5-year** period under par. (a) 2. shall be measured from the dates of the
15 violations which resulted in the convictions.

16 (9) **PARTIES TO A VIOLATION.** (a) Whoever is concerned in the commission of a
17 violation of this chapter is a principal and may be charged with and convicted of the
18 violation of this chapter although he or she did not directly commit it and although
19 the person who directly committed it has not been convicted of the violation of this
20 chapter.

21 (b) A person is concerned in the commission of the violation of this chapter if
22 the person does any of the following:

23 1. Directly commits the violation of this chapter.

24 2. Aids and abets the commission of the violation of this chapter.

1 3. Is a party to a conspiracy with another to commit the violation of this chapter
2 or advises, hires or counsels or otherwise procures another to commit it.

3 **22.46 Natural resources assessments and restitution payments. (1)**

4 **NATURAL RESOURCES ASSESSMENTS.** (a) If a court imposes a fine or forfeiture for a
5 violation of this chapter or a rule promulgated under this chapter, the court shall
6 impose a natural resources assessment equal to 75% of the amount of the fine or
7 forfeiture.

8 (b) If a fine or forfeiture is suspended in whole or in part, the natural resources
9 assessment shall be reduced in proportion to the suspension.

10 (c) If any deposit is made for an offense to which this subsection applies, the
11 person making the deposit shall also deposit a sufficient amount to include the
12 natural resources assessment prescribed in this subsection. If the deposit is
13 forfeited, the amount of the natural resources assessment shall be transmitted to the
14 state treasurer under par. (d). If the deposit is returned, the natural resources
15 assessment shall also be returned.

16 (d) The clerk of the court shall collect and transmit to the county treasurer the
17 natural resources assessment and other amounts required under s. 59.40 (2) (m).
18 The county treasurer shall then make payment to the state treasurer as provided in
19 s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the natural
20 resources assessment in the conservation fund.

21 (e) All moneys collected from natural resources assessments shall be deposited
22 in the conservation fund and credited to the appropriation under s. 20.370 (3) (mu).

23 (2) **NATURAL RESOURCES RESTITUTION PAYMENTS.** (a) If a court imposes a fine or
24 forfeiture for a violation of this chapter for failure to obtain a license required under
25 this chapter, the court shall impose a natural resources restitution payment equal

1 to the amount of the fee for the license that was required and should have been
2 obtained.

3 (b) If a fine or forfeiture is suspended in whole or in part, the natural resources
4 restitution payment shall be reduced in proportion to the suspension unless the court
5 directs otherwise.

6 (c) If any deposit is made for an offense to which this subsection applies, the
7 person making the deposit shall also deposit a sufficient amount to include the
8 natural resources restitution payment prescribed in this subsection. If the deposit
9 is forfeited, the amount of the natural resources restitution payment shall be
10 transmitted to the state treasurer under par. (d). If the deposit is returned, the
11 natural resources restitution payment shall also be returned.

12 (d) The clerk of the court shall collect and transmit to the county treasurer the
13 natural resources restitution payment and other amounts required under s. 59.40

14 (2) (m). The county treasurer shall then make payment to the state treasurer as
15 provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the
16 natural resources restitution payment in the conservation fund.

17 (e) All moneys collected from natural resources restitution payments shall be
18 deposited in the conservation fund and credited to the appropriation account under
19 s. 20.370 (3) (mu).

20 **SECTION 4.** 23.09 (2) (f) of the statutes is amended to read:

21 **23.09 (2) (f) Propagation, - of fish.** Subject to s. 95.60, capture,
22 propagate, transport, sell or exchange any species of ~~game or~~ fish needed for stocking
23 or restocking any ~~lands or~~ waters of the state.

24 **SECTION 5.** 23.50 (1) of the statutes is amended to read:

1 23.50 **(1)** The procedure in ss. 23.50 to 23.85 applies to **all** actions in circuit
2 court to recover forfeitures, penalty assessments, jail assessments, applicable
3 weapons assessments, applicable environmental assessments, applicable wild
4 animal protection assessments, applicable natural resources assessments,
5 applicable fishing shelter removal assessments; applicable snowmobile registration
6 restitution payments and applicable natural resources restitution payments for
7 violations of ss. **77.09, 134.60, 167.10(3), 167.31(2), 281.48(2) to (5), 283.33, 285.57**
8 **(2), 285.59(2), (3) (c) and (4), 287.07, 287.08, 287.81** and 299.64 **(2)**, **subch. VI** of ch.
9 77, this chapter and chs. 22 and 26 to 31 and of ch. 350, and any administrative rules
10 promulgated thereunder, violations of ch. 951 if the animal involved is a captive **wild**
11 **animal** violations of rules of the Kickapoo reserve management board under s. 41.41
12 (7) (k) or violations of local ordinances enacted by any local authority in accordance
13 with s. 23.33 (11) (am) or 30.77.

14 **SECTION 6.** 23.50 (3) of the statutes is amended to read:

15 23.50 (3) All actions in municipal court to recover forfeitures, penalty
16 assessments and jail assessments for violations of local **ordinances enacted** by any
17 local authority in accordance with s. 23.33 (11) (am) or 30.77 shall utilize the
18 procedure in ch. 800. The actions shall be brought before the municipal court having
19 jurisdiction. Provisions relating to citations, arrests, questioning, releases,
20 searches; deposits and stipulations of no contest in ss. 23.51 ~~(1)~~ **(1m)**, (3) and (8);
21 23.53, 23.54, 23.56 to 23.64, 23.66 and 23.67 shall apply to violations of such
22 ordinances.

23 **SECTION 7.** **23.51 (1)** of the statutes. is renumbered 23.51 (lm).

24 **SECTION 8.** 23.51 **(1d)** of the statutes is created to read:

25 23.51 **(1d)** 'Captive' has the meaning given in s. **22.01 (2)**.

1 **SECTION 9. 23.51 (5)** of the statutes is amended to read:

2 **23.51 (5)** "Natural resources restitution payment" means the payment imposed
3 under s. 22.46 (2) or 29.989.

4 **SECTION 10. 23.51 (9m)** of the statutes is created to read:

5 **23.51 (9m)** Wild animal" has the meaning given in s. 22.01 (37).

6 **SECTION 11. 23.65 (1)** of the statutes is amended to read:

7 **23.65 (1)** When it appears to the district attorney that a violation of s. 134.130,
8 281.48 (2) to (5), **283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81**
9 or 299.64 (2), this chapter or ch. **22, 26, 27, 28, 29, 30, 31** or 350, or any administrative
10 rule promulgated pursuant thereto, or a violation of ch. 951. if the animal involved
11 is a captive wild animal, has been committed the district attorney may proceed by
12 complaint and summons.

13 **SECTION 12. 23.795 (3)** of the statutes is created to read:

14 **23.795 (3)** In lieu of an order of imprisonment under sub. (1) (a) for a violation
15 of ch. 22, the court may revoke or suspend any privilege or license granted under ch.
16 22 as provided in s. 22.45 (6).

17 **SECTION 13. 25.29 (1)** (a) of the statutes is amended to read:

18 **25.29 (1)** (a) Except as provided in s. 25.295, all moneys accruing to the state
19 for or in behalf of the department under chs. **22, 26, 27, 28, 29** and 350, subchs. I and
20 VI of ch. 77 and ss. **23.09 to 23.31, 23.325 to 23.42, 23.50 to 23.99, 30.50 to 30.55, 70.58**
21 and 71.10 (5), including grants received from the federal government or any of its
22 agencies except as otherwise provided by law.

23 **SECTION 14. 25.29 (4m)** of the statutes is amended to read:

24 **25.29 (4m)** Notwithstanding sub. (3), no moneys that accrue to the state for or
25 in behalf of the department under ch. 22 or 29 may be expended or paid for the

1 enforcement of the treaty-based, off-reservation rights to fish held by members of
2 federally recognized American Indian tribes or bands domiciled in Wisconsin.

3 **SECTION 15.** 29.011 (3) of the statutes is created to read:

4 29.011 (3) This section does not apply to wild animals that are subject to
5 regulation under ch. 22.

6 **SECTION 16.** 29.024 (1) of the statutes is amended to read:

7 29.024 (1) **APPROVALS REQUIRED.** Except as specifically provided in ch. 22 or this
8 chapter, no person may hunt or trap in this state, fish in the waters of this state or
9 engage in any of the activities regulated under this chapter unless the appropriate
10 approval is issued to the person. A person shall carry the required approval with him
11 or her at all times while hunting, trapping or fishing or engaged in regulated
12 activities unless otherwise required by this chapter or unless otherwise authorized
13 or required by the department. A person shall exhibit the approval to the
14 department or its wardens on demand.

15 **SECTION 17.** 29.024 (2g) (a) 2. of the statutes is amended to read:

16 29.024 (2g) (a) 2. Any permit issued under s. ~~29.38, 29.521, 29.525, 29.53 or~~
17 ~~29.578~~ 29.537, 29.733, 29.735 or 29.736.

18 **SECTION 18.** 29.024 (2r) (a) 17. of the statutes is repealed.

19 **SECTION 19.** 29.024 (2r) (a) 18. of the statutes is repealed.

20 **SECTION 20.** 29.024 (2r) (a) 19. of the statutes is repealed.

21 **SECTION 21.** 29.024 (2r) (a) 20. of the statutes is repealed.

22 **SECTION 22.** 29.024 (2r) (a) 21. of the statutes is repealed.

23 **SECTION 23.** 29.042 (1) of the statutes is amended to read:

24 29.042 (1) Beginning on January 1, 1998, the department may not enter into
25 any agreement to make payments to persons holding approvals issued under s.

1 29.501, 29.503, 29.506, 29.509, 29.512, 29.514, 29.519, 29.523, 29.526, 29.529,
2 29.531, 29.533, 29.537, 29.607, 29.611, ~~or 29.614, 29.865, 29.867, 29.869, 29.871 or~~
3 ~~29.877~~ in exchange for the retirement of the approval or for the temporary or
4 permanent cessation of any activity authorized under the approval.

5 SECTION 24. 29.047 (2) (b) of the statutes is amended to read:

6 29.047 (2) (b) The possession, transportation, delivery or receipt of farm-raised
7 deer ~~or~~, farm-raised fish or wild animals that are subject to regulation under ch. 22.

8 SECTION 25. 29.191 (2) (a) 3. of the statutes is amended to read:

9 29.191 (2) (a) 3. Any person hunting pheasant under's. 29.195 ~~or on premises~~
10 ~~licensed under s. 29.865~~ is exempt from the requirements under subd. 1.

1 1 SECTION 26. 29.192 (6) of the statutes is created to read:

12 29.192 (6) The department shall permit the hunting of farm-raised deer on the
13 premises on which farm-raised deer are kept by persons registered under s. 95.55.
14 The department shall determine the requirements and conditions for hunting
15 farm-raised deer under this subsection, and **shall** determine the provisions of this
16 chapter that are applicable to hunting farm-raised deer under this subsection. The
17 department shall cooperate with the department of agriculture, trade and consumer
18 protection with respect to the hunting of farm-raised deer.

19 SECTION 27. 29.314 (5) (b) 3. of the statutes is amended to read:

20 29.314 (5) (b) 3. **To** a person who possesses a flashlight or who uses a flashlight
21 **while** if on foot and training a dog to track or hunt raccoons, foxes or
22 other unprotected wild animals and if the raccoons, foxes or other unprotected wild
23 animals are not subject to r under ch. 22

24 SECTION 28. 29.321 of the statutes is repealed.

1 **SECTION 29.** 29.334 of the statutes is renumbered 29.334 (1) and amended to
2 read:

3 29.334 (1) A person who hunts or traps any game animal-~~me bird~~ or
4 fur-bearing animal shall kill ~~the animal it~~ when it is taken and make it part of the
5 daily bag or shall release ~~the animal it~~ unless ~~authorized under s. 29.857, 29.863,~~
6 ~~28.867, 29.869, 29.871 or 29.877~~ the person has the authority to possess it under ch.
7 22.

8 **SECTION 30.** 29.347 (2) of the statutes is amended to read:

9 29.347 (2) DEER TAGS. Except as provided under sub. (5) and s. 29.324 (3), any
10 person who kills a deer shall immediately attach to the ear or antler of the deer a
11 current validated deer carcass tag which is authorized for use on the type of deer
12 killed. Except as provided under sub. (2m) ~~or s. 29.871 (7), (8) or (14)~~, no person may
13 possess, control, store or transport a deer carcass unless it is tagged as required
14 under this subsection. The carcass tag may not be removed before registration. The
15 removal of a carcass tag from a deer before registration renders the deer untagged.

16 **SECTION 31.** 29.347 (6) of the statutes is amended to read:

17 29.347 (6) ~~FARM-RAISED DEER DEER.~~ This section does not apply to farm-raised
18 deer or deer that are subject to regulation under ch. 22.

19 **SECTION 32.** 29.351 of the statutes is renumbered 29.351 (l), and **29.351 (1) (c)**,
20 as renumbered, is amended to read:

21 **29.351 (1) (c)** Possess the raw skin of any muskrat, mink, otter, fisher or pine
22 marten at any time unless the person is the holder of a valid scientific collector
23 permit, fur dealer license, trapping license or resident conservation patron license.
24 No license is required ~~for a person breeding, raising and producing domestic~~
25 ~~fur-bearing animals in captivity, as defined in s. 29.873, or for a person authorized~~

1 to take muskrats on a cranberry marsh under a permit issued to the person by the
2 department.

3 SECTION 33. 29.351 (2) of the statutes is created to read:

4 29.351 (2) Subsection (1) does not apply to the skins of fur-bearing animals
5 that are subject to regulation under ch. 22.

6 SECTION 34. 29.354 (1) of the statutes is amended to read:

7 **29.354 (1) APPROVAL NECESSARY.** No person { . %
8 ~~hunting license, sports license, conservation patron license, taxidermist permit or~~
9 ~~scientific collector permit~~ who is ~~obtaining the approval~~ ~~his~~ ~~license~~, may
10 possess or have under his or her control any game bird, or game animal or the carcass
11 of any game bird or game animal unless the person is rehabilitating the game bird
12 or game animal or unless the person has a valid huntina license. sports license.
13 conservation patron license. taxidermist permit or scientific collector permit.

14 SECTION 35. 29.354 (2) of the statutes is renumbered 29.354 (2) (a) and
15 amended to read:

16 29.354 (2) (a) ~~No person, except a~~ Except as provided in par. (b), no person who
17 ~~has a valid scientific collector permit,~~ may take, needlessly destroy or possess or have
18 under his or her control the nest or eggs of any wild bird for which a closed season
19 is prescribed under this chapter.

20 SECTION 36. 29.354 (2) (b) of the statutes is created to read:

21 29.354 (2) (b) A person who has a valid scientific collector permit may take or
22 possess or have under his or her control the nest of a wild bird and may destroy the
23 nest if necessary for a scientific purpose.

24 SECTION 37. 29.354 (5) of the statutes is created to read:

1 29.354 (5) **CAPTIVE** WILD ANIMALS. This section does not apply to wild animals
2 that are subject to regulation under ch. 22.

3 **SECTION 38.** 29.357 (5) (b) of the statutes is amended to read:

4 29.357 (5) (b) Subsections (1) to (4) do not apply to the possession,
5 transportation, delivery or receipt of farm-raised deer ~~or~~, farm-raised fish gr wild
6 animals that are subject to regulation under ch. 22.

7 **SECTION 39.** 29.361 (6) of the statutes is amended to read:

8 **29.361 (6)** This section does not apply to the transportation of farm-raised deer
9 gr deer that are subject to regulation under ch. 22.

10 **SECTION 40.** 29.364 (5) of the statutes is amended to read:

11 29.364 (5) **EXEMPTION; TAXIDERMISTS.** Subsections (1) to (3) do not apply to a
12 person who has a valid taxidermist permit and who is transporting, in connection
13 with his or her business, the carcass of a game bird ~~in connection with his or her~~
14 business or the carcass of a wild bird that is sub&t to regulation under ch. 22.

15 **SECTION 41.** 29.501 (9m) of the statutes is created to read:

16 **29.501 (9m)** This section applies to raw furs and dressed furs from fur-bearing
17 animals that are subject to regulation under ch. 22.

18 **SECTION 42.** 29.506 (4) of the statutes is amended to read:

19 29.506 (4) **AUTHORIZATION.** Subject to this section, a taxidermist permit
20 authorizes the permit holder to possess and transport ~~wild animals or~~ carcasses of
21 wild animals in connection with his or her business. This authority supersedes, to
22 the extent permitted under this section, restrictions on the possession and
23 transportation of ~~wild animals and~~ carcasses of wild animals established under **ch.**
24 **22 and** this chapter. A taxidermist permit entitles the permit holder to the same
25 privileges as a Class A fur dealer's license.

1 **SECTION 43.** 29.539 (7) of the statutes is created to read:

2 29.539 (7) This section does not apply to the carcass of a wild animal that is
3 subject to regulation under ch. 22.

4 **SECTION 44.** 29.541 (3) of the statutes is amended to read:

5 29.541 (3) **EXEMPTION.** This section does not apply to the meat from
6 farm-raised deer or ~~from~~ farm-raised fish or to meat that is subject to regulation
7 under s. 22.13 or 22.14.

8 **SECTION 45.** 29.563 (9) (intro.) and (a) (title) of the statutes are repealed.

9 **SECTION 46.** 29.563 (9) (a) 1. of the statutes is renumbered 29.563 (7) (c) 5m.

10 **SECTION 47.** 29.563 (9) (a) 2. to 10. and (b) of the statutes are repealed.

11 **SECTION 48.** 29.614 (3) of the statutes is amended to read:

12 29.614 (3) A scientific collector permit authorizes the per&tee to collect or
13 salvage, for scientific purposes only, ~~the eggs, nest and~~ live fish and the nests and
14 carcasses of any wild animals specified in the permit subject to the conditions **and**
15 limitations specified in the permit and the rules of the department. The permittee
16 may use the specimens for the scientific purposes for which collected or salvaged and
17 may transport them or cause. them to be transported by common carrier. Possession
18 of these 'specimens may not be transferred to any other person, except that ~~these~~
19 specimens may be exchanged for other specimens for scientific purposes. A scientific
20 collector permit may authorize the use of net guns and tranquilizer guns for activities
21 related to the purposes for which the permit is issued. Any person who is convicted
22 of violating this chapter shall forfeit the person's permit and the permit is thereby
23 revoked, in addition to all other penalties. Any person so convicted is not **eligible** for
24 a permit under this section for one year following the conviction.

25 **SECTION 49.** 29.741 (title) of the statutes is repealed and recreated to read:

1 29.741 (title) **Food in the wild for game birds.**

2 **SECTION 50. 29.741 (1)** of the statutes is repealed.

3 **SECTION 51. 29.741 (2)** of the statutes is renumbered 29.741.

4 **SECTION 52. 29.745** of the statutes is repealed.

5 **SECTION 53. 29.853 (title)** of the statutes is repealed.

6 **SECTION 54. 29.853 (1)** of the statutes is repealed.

7 **SECTION 55. 29.853 (2)** of the statutes is repealed.

8 **SECTION 56. 29.853 (3)** of the statutes is repealed.

9 **SECTION 57. 29.853 (4m)** of the statutes is repealed.

10 **SECTION 58. 29.853 (5) (title)** of the statutes is repealed.

11 **SECTION 59. 29.853 (5)** of the statutes is renumbered 29.334 (2) and amended
12 to read:

13 29.334 (2) A person who violates ~~this section sub. (1)~~ shall forfeit not less than
14 \$100 nor more than \$1,000.

15 **SECTION 60. 29.855 (title)** of the statutes is repealed.

16 **SECTION 61. 29.855 (1)** of the statutes is repealed.

17 **SECTION 62. 29.855 (2)** of the statutes is repealed.

18 **SECTION 63. 29.855 (3)** of the statutes is repealed.

19 **SECTION 64. 29.855 (4) (title)** of the statutes is repealed.

20 **SECTION 65. 29.855 (4)** of the statutes is renumbered 22.04 (2) (e) and amended
21 to read:

22 22.04 (2) (e) No person may operate on a live ~~wild~~ skunk to remove its scent
23 glands unless the person ~~who possesses~~ holds a Class A or Class B captive wild
24 animal farm license or unless the person is a veterinarian and the person bringing
25 the skunk ~~is authorized under s. 29.857 or 29.869~~ to the veterinarian holds such a

1 ~~A~~ veterinarian to whom a person brings a live ~~wild~~ skunk for removal of its
2 scent glands ~~or for other treatment~~ shall verify whether the person holds a Class A
3 Jr Class B captive wild animal farm license. f the person does not hold such a license,
4 the veterinarian shall notify that person that possession of a live skunk is illegal and
5 shall notify the department.

6 SECTION 66. 29.855 (5) of the statutes is repealed.

7 SECTION 67. 29.855 (6) of the statutes is repealed.

8 SECTION 68. 29.855 (7) of the statutes is repealed.

9 SECTION 69. 29.857 of the statutes is repealed.

10 SECTION 70. 29.861 of the statutes is repealed.

11 SECTION 71. 29.863 of the statutes is repealed.

12 SECTION 72. 29.865 of the statutes is repealed.

13 SECTION 73. 29.867 of the statutes is repealed.

14 SECTION 74. 29.869 of the statutes is repealed.

15 SECTION 75. 29.871 of the statutes is repealed.

16 SECTION 76. 29.873 of the statutes is repealed.

17 SECTION 77. 29.875 (1) of the statutes is amended to read:

18 29.875 (1) The department may seize and dispose of or may authorize ~~the~~
19 disposal of any deer that has escaped from land licensed under s. ~~29.867 or 29.871~~
20 22.156 or owned by a person registered under s. 95.55 if the escaped deer has
21 traveled more than 3 miles from the land or if the licensee or person has not had the
22 deer returned to the land within 72 hours of the discovery of the escape.

23 SECTION 78. 29.877 of the statutes is repealed.

24 SECTION 79. 29.879 of the statutes is repealed.

25 SECTION 60. 29.881 of the statutes is repealed.

1 **SECTION 81.** 29.885 (1) (f) of the statutes is amended to read:

2 29.885 (1) (f) Notwithstanding s. ~~29.01(14)~~ 29.001(90), “wild animal” means
3 any undomesticated mammal or bird, but does not include farm-raised deer ~~or,~~
4 farm-raised fish or wild animals that are subject to regulation under ch. 22.

5 **SECTION 82.** 29.889 (1) (intro.) of the statutes is amended to read:

6 29.889 (1) **DEFINITION.** (intro.) In this section, “wildlife damage” means damage
7 caused by any of the following ~~noncaptive~~ wild animals that are not subject to
8 regulation under ch. 22:

9 **SECTION 83.** 29.921 (7) of the statutes is amended to read:

10 29.921 (7) **DOGS INJURING WILDLIFE.** A warden may kill a dog found running,
11 injuring, causing injury to, or hilling, any deer, other than farm-raised deer ~~gr deer~~
12 subject to regulation under ch. 22, or destroying game birds, their eggs or nests, if
13 immediate action is necessary to protect the deer or game birds, their nests or eggs,
14 from injury or death.

15 **SECTION 84.** 29.927 (8) of the statutes is amended to read:

16 29.927 (8) Any dog found running deer, except farm-raised deer ~~gr deer~~ subject
17 to regulation under ch. 22, at any time, or used in violation of this chapter.

18 **SECTION 85.** 29.931 (2) (a) of the statutes is amended to read:

19 **29.931 (2)** (a) The department and its wardens shall seize and hold, subject to
20 the order of the court for the county in which the alleged offense was committed, any
21 vehicle, boat or object declared by this chapter to be a public nuisance, or which they
22 have probable cause to believe is being used in violation of this chapter or s. 167.31,
23 **287.81, 940.24, 941.20, 948.60, 948.605 or 948.61,** is being used in the commission
24 of a crime involving an animal normally found in the wild in violation of s. 951.09 or
25 is being used in the commission of a crime relating to a submerged cultural resource

1 in violation of s. 44.47. If it is proven that the vehicle, boat or object is a public
 2 nuisance or that within 6 months previous to the seizure the vehicle, boat or object
 3 was used in violation of this chapter or s. 167.31, 287.81, 940.24, 941.20, 948.60,
 4 948.605 or 948.61, was used in the commission of a crime involving an animal
 5 normally found in the wild in violation of s. 951.09 or was used in the commission of
 6 a crime relating to a submerged cultural resource in violation of s. 44.47, it shall be
 7 confiscated if the court directs in its order for judgment.

8 SECTION 86. 29.969 of the statutes is amended to read:

9 . 29.969 **Larceny of game.** A person who; without permission of the owner,
 10 disturbs or appropriates any wild animal or its carcass that has been lawfully
 11 reduced to possession by another shall forfeit not less than \$1,000 nor more than
 12 \$2,000. This section does not apply to farm-raised deer ~~or~~, farm-raised fish or wild
 13 animals that are subject regulation under ch. 22.

14 SECTION 87. 49.857 (1) (d) 2. of the statutes is amended to read:

1 5 49.857 (1) (d) 2. An approval specified in s. ~~29.09 (11m)~~ 22.34 or 29.024 (2g).

16 SECTION 88. 59.25 (3) (f) 2. of the statutes is amended to read:

17 59.25 (3)(f) 2. For all court imposed fines and forfeitures required by law to be
 18 deposited in the state treasury, the amounts required by s. 165.87 for the penalty
 19 assessment surcharge, the amounts required by s. 165.755 for the crime laboratories
 20 and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the
 21 weapons assessment, the amounts required by s. 973.045 for the crime victim and
 22 witness assistance surcharge, the amounts required by s. 938.34 (8d) for the
 23 delinquency victim and witness assistance surcharge, the amounts required by s.
 24 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required: by
 25 s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts

1 authorized by s. 971.37 (lm) (c) 1. or required by s. 973.055 (1) for the domestic abuse
2 assessment, the amounts required by s. 253.06 (4) (c) for the enforcement assessment
3 under the supplemental food program for women, infants and children, the amounts
4 required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing
5 improvement assessment, the amounts required by s. 346.655 (2) (a) and (b) for the
6 driver improvement surcharge, the amounts required by s. 102.85 (4) for the
7 uninsured employer assessment, the amounts required by s. 299.93 for the
8 environmental assessment, the amounts required by s. 29.983 for the wild animal
9 protection assessment, the amounts required by ~~s. ss. 22.46 (1) and~~ 29.987 for the
10 natural resources assessment surcharge, the amounts required by s. 29.985 for the
11 fishing shelter removal assessment, the amounts required by s. 350.115 for the
12 snowmobile registration restitution payment and the amounts required by ~~s. ss.~~
13 22.46 (2) and 29.989 for natural resources restitution payments, transmit to the state
14 treasurer a statement of all moneys required by law to be paid on the actions entered
15 during the preceding month on or before the first day of the next succeeding month,
16 certified by the county treasurer's personal signature affixed or attached thereto,
17 and at the same time pay to the state treasurer the amount thereof.

18 **SECTION 89.** 59.40 (2) (m) of the statutes is amended to read:

19 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's
20 percentage of the fees required to be paid on each civil action, criminal action and
21 special proceeding filed during the preceding month and pay monthly to the
22 treasurer for the use of the state the percentage of court imposed fines and forfeitures
23 required by law to be deposited in the state treasury, the amounts required by s.
24 165.87 (2) (b) for the penalty assessment surcharge, the amounts required by s.
25 165.755 for the crime laboratories and drug law enforcement assessment, the

1 amounts required by s. 167.31 (5) for the weapons assessment, the amounts required
2 by s. 973.045 for the crime victim and witness assistance surcharge, the amounts
3 required by s. 938.34 (8d) for the delinquency victim and witness assistance
4 surcharge, the amounts required by ~~s.~~ **973.046** for the deoxyribonucleic acid analysis
5 surcharge, the amounts required by s. 961.41 (5) for the drug abuse program
6 improvement surcharge, the amounts authorized by s. 971.37 (lm) (c) 1. or required
7 by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by
8 s. 253.06 (4) (c) for the enforcement assessment under the supplemental food
9 program for women, infants and children, the amounts required by ss. 346.1'77,
10 346.495 and 346.65 (~~4r~~) **for** the railroad crossing improvement assessment, the
11 amounts required by s. 346.655 for the driver improvement surcharge, the amounts
12 required by s. 102.85 (4) for the uninsured employer assessment, the amounts
13 required by s. 299.93 for the environmental assessment, the amounts required under
14 s. 29.983 for the wild animal protection assessment, the amounts required under ~~s.~~
15 ss. 22.46 (1) (d) and 29.987 (1) (d) for the natural resources assessment surcharge,
16 the amounts required by s. 29.985 for the fishing shelter removal assessment, ~~the~~
17 amounts required by s. 350.115 for the snowmobile registration restitution payment
18 and the amounts required under ~~s.~~ ss. 22.46 (2) (d) and 29.989 (1) (d) for the natural
19 resources restitution payments. The payments shall be made by the 15th day of ~~the~~
20 month following receipt thereof.

21 **SECTION 90. 73.0301 (1) (d) 1.** of the statutes is amended to read:

22 73.0301 (1) (d) 1. An approval specified in s. ~~29.09 (11r)~~ 22.35 or 29.024 (2r).

23 **SECTION 91. 167.31 (4) (b)** of the statutes is amended to read:

24 **167.31 (4) (b)** Subsections (2) (a), ~~(b)~~ and (c) and (3) (a) and (b) do not apply to
25 the holder of a scientific research license under s. 22.25 or a scientific collector permit

1 under s. 29.614 who is using a net gun or tranquilizer gun in an activity related to
2 the purpose for which the license or permit was issued.

3 **SECTION 92. 173.01 (1)** of the statutes, as created by 1997 Wisconsin Act 192,
4 is renumbered 173.01 (lm).

5 **SECTION 93. 173.01 (lb)** of the statutes is created to read:

6 173.01 (lb) "Conservation warden" means a warden appointed under s. 23.10.

7 **SECTION 94. 173.01 (1d)** of the statutes is created to read:

8 173.01 (1d) "Custodial entity" means a political subdivision, a person
9 contracting under s. 173.15 (1) or the department of natural resources.

10 **SECTION 95. 173.01 (1r)** of the statutes is created to read:

11 173.01 (1r) "Governmental unit" means a political subdivision or the
12 department of natural resources.

13 **SECTION 96. 173.01 (2)** of the statutes is amended to read:

14 173.01 (2) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c)
15 and does not include a conservation warden.

16 **SECTION 97. 173.07 (1)** of the statutes, as created by 1997 Wisconsin Act 192,
17 is renumbered 173.07 (1) (intro.) and amended to read:

18 173.07 (1) **ENFORCEMENT.** (intro.) A humane officer shall enforce ~~s.~~ all of the
19 following:

20 (a) Section 95.21, ~~ch. 22,~~ this chapter, and chs. 174 and 951 ~~and ordinances.~~

21 (b) Ordinances relating to animals enacted by political subdivisions in which
22 the humane officer has jurisdiction under s. 173.03 (3).

23 **SECTION 98. 173.10** of the statutes, as created by 1997 Wisconsin Act 192, is
24 amended to read:

1 **173.10 Investigation of cruelty complaints.** A person may apply for a
2 search warrant under s. 968.12 if there is reason to believe that a violation of ch. 22
3 or 951 has taken place or is taking place. If the court is satisfied that probable cause
4 exists, it shall issue a search warrant directing a law enforcement officer in the
5 county, or in the case of a wild animal subject to regulation under ch. 22, a
6 conservation warden, to proceed immediately to the location of the alleged violation
7 with a doctor of veterinary medicine, if the court determines that a veterinarian is
8 necessary for purposes of the search, and directing the law enforcement officer or
9 conservation warden to search the place designated in the warrant, retaining in his
10 or her custody subject to the order of the court such property or things as are specified
11 in the warrant, including any animal. If the person applying for the search **warrant**
12 is a humane **officer**, the warrant shall direct that the humane **officer** accompany the
13 law enforcement officer or conservation warden who is directed to perform the
14 search. The warrant shall be executed and returned to the court which issued the
15 warrant in accordance with ss. 968.15 and 968.17. This section does not affect other
16 powers and duties of law enforcement officers or conservation wardens.

17 **SECTION 99.** 173.11 (5) of the statutes is created to read:

18 **173.11 (5) NONAPPLICABILITY.** This section does not apply to wild animals that
19 are subject to regulation under ch. 22.

20 **SECTION 100.** 173.12 (1) of the statutes, as created by 1997 Wisconsin Act 3.92,
21 is renumbered 173.12 (1) (a) and amended to read:

22 173.12 (1) (a) Any veterinarian who has reason to believe that an animal has
23 been in a fight in violation of s. 951.08 shall report the matter to the local humane
24 officer or to a local law enforcement agency, except as provided in par. (b).

1 (c) The report under this subsection shall be in writing and shall include a
2 description and the location of the animal, any injuries suffered by the animal and
3 the name and address of the owner or person in charge of the animal, if known.

4 **SECTION 101.** 173.12 (1) (b) of the statutes is created to read:

5 173.12 (1) (b) If the animal is a wild animal subject to regulation under ch. 22,
6 the veterinarian shall report the matter to the department of natural resources.

7 **SECTION 102.** 173.12 (lm) of the statutes, as created by 1997 Wisconsin Act 192,
8 is amended to read:

9 173.12 **(1m)** If an animal has been seized because it is alleged that the animal
10 has been used in or constitutes evidence of any crime specified in s. **951.08**, the
11 animal may not be returned to the owner ~~by an officer~~ under s. 968.20 (2). In any
12 hearing under s. 968.20 (l), the court shall determine if the animal is needed as
13 evidence or there is reason to believe that the animal has participated in or been
14 trained for fighting. If the court makes such a finding, the animal shall be retained
15 in custody.

16 **SECTION 103.** 173.12 (3) (a) of the statutes, as created by 1997 Wisconsin Act
17 192, is amended to read:

18 173.12 (3) (a) If the owner is convicted under s. 951.08 or is subject to the
19 restrictions under s. 951.08 **(2m)**, the animal shall be delivered to the local humane
20 officer or county or municipal pound if the animal is not subject to regulation under
21 ch. 22. If there is no local humane officer or pound, the animal may be delivered to
22 a local humane society or to another person designated by the court.

23 **(ar)** If the animal is one year old or older or shows indication of having
24 participated in fighting, the animal shall be disposed of in a proper and humane
25 manner.

1 **SECTION 104.** 173.12 (3) (ag) of the statutes is created to read:

2 173.12 (3) (**ag**) If the owner is convicted under s. 951.08 or is subject to the
3 restrictions under s. 95 1.08 (**2m**), the animal **shall** be delivered to the department of
4 natural resources or to another person designated by the court if the animal is a **wild**
5 animal subject to regulation under ch. 22.

6 **SECTION 105.** 173.13 (1) (d) of the statutes is created to read:

7 173.13 (1) (d) This subsection does not apply to wild **animals** that are subject
8 to regulation under ch. 22.

9 **SECTION 106.** 173.13 (2) (a) (intro.) of the statutes, as created by 1997 Wisconsin
10 Act 192, is amended to read:

11 173.13 (2) (a) (intro.) A humane officer ~~or~~, law enforcement officer or
12 conservation warden or a person contracting under s. 173.15 (1) may accept an
13 animal delivered by a veterinarian, or his or her employe, if the animal has not been
14 picked up by its owner and all of the **following apply**:

15 **SECTION 107.** 173.13 (2) (a) 1. of the statutes, as created by 1997 Wisconsin Act
16 192, is amended to read:

17 173.13 (2) (a) 1. The veterinarian notified the owner of the animal by certified
18 mail, return receipt requested, that the animal was ready to be picked up and that
19 the animal would be delivered to a ~~humane officer~~ person authorized to accept the
20 animal if not picked up within 7 days.

21 **SECTION 108.** 173.13 (2) (a) 3. of the statutes, as created by 1997 Wisconsin Act
22 192, is amended to read:

23 173.13 (2) (a) 3. The veterinarian certifies in writing to the humane officer ~~or~~,
24 law enforcement officer or conservation warden that subds. 1. and 2 apply.

25 **SECTION 109.** 173.13 (2) (a) 4. of the **statutes is** created to read:

1 173.13 (2) (a) 4. The humane officer, law enforcement officer or conservation
2 warden or the person contracting under s. 173.15 (1) is authorized under s. 22.42 or
3 this section to accept the animal.

4 **SECTION 110.** 173.13 (2) (b) of the statutes, as created by 1997 Wisconsin Act
5 192, is amended to read:

6 173.13 (2) (b) If an animal is accepted under par. (a), the veterinarian shall
7 provide the person accepting the animal with any requested records concerning the
8 animal's ownership, or health or the licensure of the animal or of the owner under
9 ch. 22.

10 **SECTION 111.** 173.13 (3) (a) of the statutes, as created by 1997 Wisconsin Act
11 192, is amended to read:

12 173.13 (3) (a) If a humane officer ~~or~~, law enforcement officer or conservation
13 warden takes custody of an animal with the knowledge of the owner, the humane
14 officer ~~or~~, law enforcement officer or conservation warden shall explain the
15 procedure by which the owner can recover the animal, including the procedure under
16 s. 173.22, and the procedure to be followed ~~if the~~ animal is not returned to the owner.

17 **SECTION 112.** 173.13 (3) (b) of the statutes, as created by 1997 Wisconsin Act
18 192, is amended to read:

19 173.13 (3) (b) If a humane officer ~~or~~, law enforcement officer or conservation
20 warden takes custody of an animal without the knowledge of the owner, the humane
21 officer ~~or~~, law enforcement officer or conservation warden shall promptly notify the
22 owner in writing if he or she can be identified and located with reasonable effort. The
23 notice shall explain the procedure by which the owner can recover the animal,
24 including the procedure under s. 173.22, and the procedure to be followed if the
25 animal is not returned to the owner. The notice shall also inform the owner that the

1 owner must notify any person with a lien on the animal that the animal has been
2 taken into custody.

3 **SECTION 113.** 173.13 (3) (c) of the statutes, as created by 1997 Wisconsin Act
4 192, is amended to read:

5 173.13 (3) (c) If the owner **informs** the humane ~~officer or~~ law enforcement
6 **officer or conservation warden** in writing that he or she will not claim the animal, it
7 may be treated as an unclaimed animal under s. 173.23 (1m).

8 **SECTION 114.** 173.15 (1) of the statutes, as created by 1997 Wisconsin Act 192,
9 is amended to read:

10 **173.15 (1) PROVIDING SERVICES.** A political subdivision may provide for the care,
11 treatment or disposal of animals taken into custody ~~by a humane officer or law~~
12 ~~enforcement officer under s. 173.13. The department of natural resources may~~
13 ~~provide for the care, treatment or disposal of wild animals subject to regulation~~
14 ~~under ch. 22 that are taken into custody.~~ Under s. 22.42.1 subdivision or the
15 department of natural resources may provide these services directly or by
16 contracting with any other person. A political subdivision or the department of
17 natural resources may establish standard fees for the care, custody **and** treatment
18 of animals in its custody. ~~The political subdivision~~ or the department of natural
19 resources may establish different fees for **animals** released to their owners and
20 animals released to persons other than their owners. If the political subdivision or
21 the department of natural resources does not establish standard fees, it may charge
22 no more than the actual costs of care, custody or treatment to any person required
23 to pay for the care, custody or treatment of an animal.

24 **SECTION 115.** 173.15 (2) (intro.) of the statutes, as created by 1997 Wisconsin
25 Act 192, is amended to read:

1 173.15 (2) **CONTRACT FOR SERVICES.** (intro.) Every person entering into a
2 contract with a political subdivision or the department of natural resources under
3 sub. (1) shall agree to do all of the following:

4 SECTION 116. 173.17 (intro.) of the statutes, as created by 1997 Wisconsin Act
5 192, is amended to read:

6 **173.17 Records.** (intro.) A humane ~~officer or~~ law enforcement officer or
7 conservation warden taking custody of an animal on behalf of a political subdivision
8 or on behalf of the denartment of natural resources shall maintain, or require any
9 person to -whom the animal is delivered under a contract under s. 173.15 (1) to
10 maintain, as appropriate, records for each animal containing the following
11 information:

12 SECTION 117. 173.19 of the statutes, as created by 1997 Wisconsin Act 192, is
13 amended to read:

14 **173.19 Animals considered unclaimed.** A ~~political subdivision or person~~
15 ~~contracting under s. 173.15 (1)~~ custodial entity may treat any animal taken into
16 custody under s. 22.42 (1) (a), (c), (h) or (j) or 173.13 (1) (a) 1., 3., 4. or 9. as an
17 unclaimed animal subject to s. 173.23 (lm) if, within 7 days after custody is taken
18 of the animal, it is not claimed by and returned to its owner under s. 173.23 (l), except
19 that an animal taken into custody under s. 22.42 (1) (c) or 173.13 (1) (a) 3. or 4. may
20 not be treated as unclaimed if its owner files a petition under s. 173.22 (1) within 7
21 days after custody is taken.

22 SECTION 118. **173.21 (1)** (intro.) of the statutes, as created by 1997 Wisconsin
23 Act 192, is amended to read:

24 173.21 (1) **GROUNDS.** (intro.) A political subdivision or the department of
25 mural resources may withhold, or direct a person contracting with the political

1 subdivision or the department of natural resources under s. 173.15 (1) to withhold,
2 an animal in custody from an owner who makes an otherwise adequate claim for the
3 animal under s. 173.23 (1) on any of the following grounds:

4 SECTION 119. 173.21 (1) (a) of the statutes, as created by 1997 Wisconsin Act
5 192, is amended to read:

6 173.21 (1) (a) ~~There~~ are reasonable grounds to believe that the owner has
7 mistreated the animal in violation of ch. 95 ~~or that of ch. 22~~ if the animal is
8 a wild animal subject to regulation under ch. 22.

9 SECTION 120. 173.21 (4) of the statutes, as created by 1997 Wisconsin Act 192,
10 is amended to read:

11 173.21 (4) RETURN. A ~~political subdivision or person contracting under s.~~
12 173.15 (1) custodial entity having custody of an animal withheld under sub. (1) shall
13 release the animal to the owner at the direction of the humane officer ~~or~~, law
14 enforcement officer ~~that~~ or conservation warden who took custody of the animal if
15 the requirements of s. 173.23 (1) (a) to (c) are satisfied.

16 SECTION 121. 173.22 (1) of the statutes, as created by 1997 Wisconsin Act 192,
17 is amended to read:

1 8 173.22 (1) PETITION. A person claiming that an animal that he or she owns ~~was~~
19 improperly taken into custody under s. 22.42 (1) (c), (d), (e), (g), (i), (j), (k) or (L) or
20 173.13 (1) (a) ~~3., 4., 5., 6. or 8.~~ or is wrongfully withheld under s. 173.21 (1) may seek
21 return of the animal by petitioning for an order from the circuit court for the ~~county~~
22 in which the animal was taken into custody or in which it is held.

23 SECTION 122. 173.22 (2) of the statutes, as created by 1997 Wisconsin Act 192,
24 is amended to read:

1 173.22 (2) **NOTICE AND HEARING.** The court shall provide notice of **a petition**
2 under sub. (1) to the humane officer ~~or~~, law enforcement officer gr conservation
3 warden who took the animal into custody or to ~~the political subdivision~~ governmental
4 unit that withheld the animal and shall hold a hearing on the issue of whether the
5 animal was improperly taken into custody or is wrongfully withheld.

6 **SECTION 123.** 173.22 (3) (a) (intro.) ~~of the~~ statutes, as created by 1997 Wisconsin
7 Act 192, is amended to read:

8 173.22 (3) (a) (intro.) If the animal was taken into custody under s. 22.42 (1)
9 In) 173.13 (1) (a) 8. or is withheld under s. 173.21 (l), the court shall order the
10 animal returned to the owner unless it determines that one of the following
11 conditions is satisfied:

12 **SECTION 124.** 173.22 (3) (a) 1. of the statutes, as created by 1997 Wisconsin Act
13 192, is amended to read:

14 173.22 (3) (a) 1. There are reasonable grounds to believe that the owner has
15 mistreated the animal in violation of ch. 22 or 951.

16 **SECTION 125.** 173.22 (3) (cm) of the statutes is created to read:

17 173.22 (3) (cm) If the **animal** was taken into custody under s. 22.42 (1) (c), the
18 court shall order the animal returned to its owner if the court determines that the,
19 the owner of the animal has not violated ch. 22 or any ordinance enacted under s.
20 22.43.

21 **SECTION 126.** 173.22 (3) (d) of the statutes, as created by 1997 Wisconsin Act
22 192, is amended to read:

23 173.22 (3) (d) If the animal was taken into custody under s. 22.42 (1) (d) or
24 173.13 (1) (a) 5., the court shall order the animal returned to its owner if the court

1 determines that the animal was not subject to a quarantine order or was confined as
2 required by a quarantine order.

3 SECTION 127. 173.22 (3) (e) of the statutes, as created by 1997 Wisconsin Act
4 192, is amended to read:

5 173.22 (3) (e) If the animal was taken into custody under s. 22.42 (1) (e) or
6 173.13 (1) (a) 6., the court shall order the animal returned to its owner if the court
7 determines that the animal did not cause damage to persons or property.

8 SECTION 128. 173.22 (3) (f) of the statutes is created to read:

9 173.22 (3) (f) If the animal was taken into custody under s. 22.42 (1) (i), the
10 court shall order the animal returned to its owner if the court determines that the
11 animal has not been exposed to, or has not been infected with, any of the following:

12 1. A contagious or infectious disease, as defined in the rules promulgated by
13 the department under s. 95.001 (2).

14 2. A reportable disease as designated by the department of natural resources
1 5 unders. 22.44 (2).

16 3. A disease or parasite that has pathological significance to humans or any
17 type of animal.

18 SECTION 129. 173.22 (3) (g) of the statutes is created to read:

19 173.22 (3) (g) If the animal was taken into custody under s. 22.42 (1) (k), the
20 court shall order the animal returned to its owner if the court determines that the
21 animal has not been held or housed in an inhumane manner.

22 SECTION 130. 173.22 (3) (h) of the statutes is created to read:

23 173.22 (3) (h) If the animal was taken into custody under s. 22.42 (1) (L), the
24 court shall order the animal returned to its owner if the court determines that the
25 owner is not in violation of s. 22.38.

1 **SECTION 131.** 173.23 (1) (intro.) of the statutes, as created by 1997 Wisconsin
2 Act 192, is amended to read:

3 173.23 (1) **CLAIM AND RETURN.** (intro.) Except as provided in sub. (4) or s. 173.21
4 '~~(l), a political subdivision or person contracting under s. 173.15 (1) custodial entity~~
5 shall return an animal described in s. ~~22.42(1)(a), (c), (e), (g), (h), (i) or (k) or~~ 173.13
6 (1) (a) l., **3., 4., 6., 8.** or 9. to its owner upon the happening of all of the following:

7 **SECTION 132.** 173.23 (1) **(b)** of the statutes, as created by 1997 Wisconsin Act
8 192, is amended to read:

9 173.23 (1) **(b)** If licensure of the animal is required by statute or ordinance, the
10 animal is licensed or assurance of licensure by prepayment is given.

11 **SECTION 133.** 173.23 (1) **(bn)** of the statutes is created to read:

12 173.23 (1) **(bn)** If licensure of the owner of a wild animal that is subject to
13 regulation under ch. 22 is required under ch. 22, the owner is licensed or assurance -----
14 of licensure by prepayment is given.

15 **SECTION 134.** 173.23 (1m) (intro.) of the statutes, as created by 1997 Wisconsin
16 Act 192, is amended to read:

17 173.23 **(1m)** **UNCLAIMED ANIMALS.** (intro.) A ~~political subdivision or a person~~
18 ~~contracting under s. 173.15 (1) custodial entity~~ that has custody of an animal
19 considered unclaimed under sub. (5) (c) or (6) or s. 173.13 (3) (c) or 173.19 or an
20 unwanted animal may do any of the following:

21 **SECTION 135.** 173.23 (1m) (a) 2m. of the statutes, as created by 1997 Wisconsin
22 Act 192, is created to read:

23 173.23 **(1m)** (a) 2m. If licensure of the owner of a wild animal that is subject
24 to regulation under ch. 22 is required under ch. 22, the owner is licensed or assurance
25 of licensure by prepayment is given.

1 **SECTION 136.** 173.23 (lm) (a) 4. of the statutes, as created by 1997 Wisconsin
2 Act 192, is amended to read:

3 173.23 **(1m)** (a) 4. Any charges imposed by the ~~political subdivision or person~~
4 ~~contracting under s. 173.15 (1)~~ custodial entity for custody, care, vaccination and
5 treatment ~~are~~ paid or waived.

6 **SECTION 137.** 173.23 (2) of the statutes, as created by 1997 Wisconsin Act 192,
7 is amended to read:

8 173.23 (2) ANIMALS NOT RETURNED TO OWNER. If an animal in the custody of a
9 political subdivision or the department of natural resources, other than an animal
10 to which sub. (lm) applies, is not returned to the owner under sub. (1) or (5) (b) or
11 s. 173.12 (2), **173.21 (4)** or 173.22 or disposed of under sub. (4) or (5) (a) or s. 173.12
12 (3), it ~~shall~~ be disposed of under a court order under sub. (3) or s. 951.18 (4).

13 **SECTION 138.** 173.23 (3) (a) (intro.) of the statutes, as created by 1997 Wisconsin
14 Act 192, is amended to read:

15 173.23 (3) (a) (intro.) A political subdivision or the department of natural
16 resources may petition the circuit court for an order doing any of the following with
17 respect to an animal taken into custody ~~by a law enforcement officer or a humane~~
18 ~~officer or on behalf of the political subdivision or the department of natural resources~~
19 under s. 22.42 or 173.13 or an animal withheld under s. 173.21 (1):

20 **SECTION 139.** 173.23 (3) (c) of the statutes, as created by 1997 Wisconsin Act
21 192, is amended to read:

22 173.23 (3) (c) The political subdivision or the department of natural resources
23 shall serve a copy of the petition, in the manner provided in s. 801.11, upon the owner
24 of the animal, if known.

1 **SECTION 140.** 173.23 (3) (e) of the statutes, as created by 1997 Wisconsin Act
2 192, is amended to read:

3 173.23 (3) (e) The court shall issue its order after hearing and may grant,
4 modify and grant or deny the petitioned-for relief, after considering the interests of
5 the animal, the owner of the animal, the political subdivision ~~or the department of~~
6 natural resources and the public.

7 **SECTION 141.** 173.23 (4) of the statutes, as created by 1997 Wisconsin Act 192,
8 is amended to read:

9 173.23 (4) **INJURED OR DANGEROUS ANIMALS** A ~~political subdivision or person~~
10 ~~contracting under s. 173.15 (1)~~ custodial entity who has custody of an animal may
11 have the animal euthanized if there are reasonable grounds to believe that any of the
12 following ~~apply~~ applies:

13 **SECTION 142.** 173.23 (5) (a) of the statutes, as created by 1997 Wisconsin Act
14 192, is amended to read:

15 173.23 (5) (a) ~~A political subdivision or person contracting under s. 173.15 (1)~~
16 custodial entity that has custody of an animal that was not confined as required by
17 a quarantine order issued under any statute, rule or ordinance relating to the control
18 of any animal disease shall confine the animal for the duration of the quarantine or
19 shall euthanize the animal with the written permission of the owner or, if the animal
20 is determined to be diseased, at the direction of the person issuing the quarantine
21 order.

22 **SECTION 143.** 173.23 (5) (b) of the statutes, as created by 1997 Wisconsin Act
23 192, is amended to read:

24 173.23 (5) (b) Unless the person issuing the quarantine order directs that the
25 animal be euthanized because it is diseased, at the end of the quarantine period the

1 ~~political subdivision or person contracting under s. 173.15 (1) custodial entity~~ shall
2 return the animal to its owner if the owner complies with sub. (1) (a) to (d) no later
3 than the 7th day after the day on which the ~~political subdivision or person~~
4 ~~contracting under s. 173.15 (1) custodial entity~~ demands that the owner claim the
5 animal and pay for its custody, care and treatment.

6 SECTION 144. 173.25 of the statutes, as created by 1997 Wisconsin Act 192, is
7 amended to read:

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8 **173.25 Immunity for euthanizing animals.** A ~~political subdivision, a~~
9 ~~person contracting under s. 173.15 (1) custodial entity,~~ a humane officer ~~or,~~ a law
10 enforcement officer or a conservation warden who has reasonable grounds to believe
11 that s. 173.23 (lm) (c), (4) or (5) or a court order issued under s. 173.23 (3) ~~authorize~~
12 authorizes an animal to be euthanized is not liable for damages for the loss of the
13 animal resulting from euthanizing the animal.

14 SECTION 145. 814.60 (2) (e) of the statutes is amended to read:
15 814.60 (2) (e) Natural resources restitution payment imposed by s. ~~22.46 (2)(d)~~
16 or 29.989.

17 SECTION 146. 895.57 (3) of the statutes is amended to read:

18 895.57 (3) Subsection (2) does not apply to any humane offker, local health
19 offker, peace offker, employe of the department of natural resources while on any
20 land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 22.15, 22.16, 22.17, 22.18 or
21 22.19 or designated as a wildlife refuge under s. 29.621 (1) or employe of the
22 department of agriculture, trade and consumer protection if the offker's or employe's
23 acts are in good faith and in an apparently authorized and reasonable fulfillment of
24 his or her duties.

25 SECTION 147. 943.75 (3) of the statutes is amended to read:

1 943.75 (3) Subsection (2) does not apply to any humane officer, local health
2 **officer**, peace officer, employe of the department of natural resources while on any
3 land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 22.15.22.16.22.17.22.18 or
4 22.19 or designated as a wildlife refuge under s. 29.621 (1) or employe of the
5 department of agriculture, trade and consumer protection **if the officer's** or employe's
6 acts are in good faith and in an apparently authorized and reasonable fulfillment of
7 his or her duties. This subsection does not limit any other person from claiming the
8 defense of privilege under s. 939.45 (3).

9 **SECTION 148.** 951.01 (1m) of the statutes is created to read:

10 951.01 **(1m)** "Conservation warden" means a warden appointed under s. 23.10.

11 **SECTION 149.** 951.015 of the statutes is renumbered 951.015 (1) and amended
12 t o r e a d :

13 951.015 **(1)** This chapter may not be interpreted as controverting any law
14 regulating wild animals that are subject to regulation under ch. 22, the taking of a
15 ~~wild animal~~ wild animals, as defined in s. 29.001 (90), ~~the trapping of animals, the~~
16 ~~use of live animals in dog trials or in the training of hunting dogs~~ or the slaughter
17 of animals by persons acting under state or federal law.

18 **SECTION 150.** 951.015 (2) of the statutes is created to read:

19 951.015 (2) For purposes of enforcing this chapter as to wild animals subject
20 to regulation under ch. 22, a conservation warden has the same powers and duties
21 that a law enforcement officer has under this chapter.

22 **SECTION 151.** 951.09 of the statutes is renumbered 951.09 (1) and amended to
23 read:

24 951.09 (1) No person may ~~instigate, promote, aid or abet as a principal, agent,~~
25 ~~employe, participant or spectator, or participate in the earnings from, or~~

1 ~~intentionally maintain or allow any place to be used for the shooting, killing or~~
2 ~~wounding shoot, kill or wound with a firearm, or with any deadly weapon, any animal~~
3 ~~that is tied, staked out, caged or otherwise intentionally confined in a man-made in~~
4 ~~Nothing in this section prohibits the shooting~~ of
5 ~~of any wild game in its wild state or the shooting of game birds and waterfowl at~~
6 ~~licensed game farms or licensed shooting preserves.~~

7 **SECTION 152.** 951.09 (2) of the statutes is created to read:

8 951.09 (2) (a) Whoever is concerned in the commission of a violation of this
9 section is a principal and may be charged with and convicted of the violation although
10 he or she did not directly commit it and although the person who directly committed
11 it has not been convicted of the violation.

12 (b) A person is concerned in the commission of a violation of this section under
13 par. (a) if the person does any of the following:

14 1. Instigates, promotes, aids or abets the violation as a principal, agent,
15 employe, participant or spectator.

16 2. Participates in any earnings from the commission of the violation.

17 3. Intentionally maintains or allows any place to be used for the commission
18 of the violation.

19 **SECTION 153.** 951.09 (3) of the statutes is created to read:

20 951.09 (3) This section does not apply to any of the following animals:

21 (a) Wild animals in their wild state.

22 (b) A captive wild bird or captive white tailed deer that is shot, killed, or
23 wounded as authorized under s. 22.09 (2).

24 (c) Farm-raised deer, as defined in s. 95.001 (1) (a).

1 (d) Animals that are treated in accordance with normally acceptable
2 husbandry practices.

3 SECTION 154. 951.18 (4) (a) 2. of the statutes, as affected by 1997 Wisconsin Act
4 192, is amended to read:

5 951.18 (4) (a) 2. A sentencing court shall require a criminal violator to pay
6 restitution to a person, including any local humane officer or society or county or
7 municipal pound or a law enforcement officer or conservation warden, for any
8 pecuniary loss suffered by the person as a result of the crime, including expenses in
9 keeping any animal that is involved in the crime. This requirement applies
10 regardless of whether the criminal violator is placed on probation under s. 973.09.
11 If restitution is ordered, the court shall consider the financial resources and future
12 ability of the criminal violator to pay and shall determine the method of payment:
13 Upon the application of any interested party, the court shall schedule and hold an
14 evidentiary hearing to determine the value of any pecuniary loss under this
15 paragraph.

16 SECTION 155. 951.18 (4) (b) 1. of the statutes, as affected by 1997 Wisconsin Act
17 192, is amended to read:

18 951.18 (4) (b) 1. A sentencing court may order that an animal be delivered to
19 the local humane officer or society or the county or municipal pound or to a law
20 enforcement officer if a person commits a crime under this chapter, the person is the
21 owner of the animal that is involved in the crime and the court considers the order
22 to be reasonable and appropriate. A sentencing court may order that an animal be
23 delivered to the department of natural resources. if the animal is a wild animal that
24 is subject to regulation under ch. 22 and the court considers the order to be
25 reasonable and appropriate. The society, pound ~~or~~, officer ~~or~~ department of natural

1 resources shall release the animal to a person other than the owner or dispose of the
2 animal in a proper and humane manner. If the animal is a dog, the release or disposal
3 shall be in accordance with s. 173.23 (1m), except that the fees under s. 173.23 (1m)
4 (a) 4. do not apply if the expenses are covered under s. 173.24. If the animal is not
5 a dog, the society, pound or officer may charge a fee for the release of the animal.

6 **SECTION 156.** 973.05 (1) of the statutes is amended to read:

7 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
8 permission for the payment of the fine, of the penalty assessment imposed by s.
9 165.87, the jail assessment imposed by s. 302.46 (1), the crime victim and witness
10 assistance surcharge **under** s. 973.045, the crime laboratories and drug law
11 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid
12 analysis surcharge under s. 973.046, any applicable drug abuse program
13 improvement surcharge imposed by s. 961.41 (5), any applicable domestic abuse
14 assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver
15 improvement surcharge imposed by s. 346.655, any applicable enforcement
16 assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment **imposed**
17 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),
18 any applicable environmental assessment imposed by s. 299.93, any applicable wild
19 animal protection assessment imposed by s. 29.983, any applicable natural resources
20 assessment imposed by s. 22.46 (1) or 29.987 and any applicable natural resources
21 restitution payment imposed by s. 22.46 (2) or 29.989 to be made within a period not
22 to exceed 60 days. If no such permission is embodied in the sentence, the fine, **the**
23 penalty assessment, the jail assessment, the crime victim and witness assistance
24 surcharge, the crime laboratories and drug law enforcement assessment, any
25 applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse

1 'program improvement surcharge, any applicable domestic abuse assessment, any
2 applicable driver improvement surcharge, any applicable enforcement assessment,
3 any applicable weapons assessment, any applicable uninsured employer
4 assessment, any applicable environmental assessment, any applicable wild animal
5 protection assessment, any applicable natural resources assessment and any
6 applicable natural resources restitution payment shall be payable immediately.

7 . **SECTION 157. Effective dates.** This act takes effect on January 1, 2001, except
8 as follows:

9 . (1) The treatment of sections **22.29, 22.34** and 22.35 of the statutes takes effect
10 on the day after publication.

11 (END)

